



## WORLD WIDE CLAIMS SERVICES

### SHORT SHIPMENT OF CARGO FREIGHT FORWARDER'S NEGLIGENCE

A Merchant based in Dubai instructed a Forwarding company to arrange a shipment of assorted liquor from France to Jebel Ali. The Forwarder arranged collection of the cargo from different suppliers in France, consolidated them in two containers and shipped to Jebel Ali. One container was taken to the Merchant's warehouse in Dubai and the other container was delivered to the Merchant's warehouse in Ajman. A shortage of 190 cases was noticed in the container received at Dubai warehouse. However, 15 cases of this consignment was recovered from the container which was sent to Ajman. This resulted in a net shortage of 175 cases at Dubai. The incident was notified to the Forwarder who carried out investigations at their warehouse in France. However, the missing cases were not traced.

The cargo Underwriters settled the Merchant's claim and appointed **WWCS** to investigate and recover the claim from liable parties. We verified that the container was received without any damages and with its seals intact. It was therefore evident that no pilferage had taken place during the transit period. The obvious conclusion was that the cargo must have been short shipped from France. Upon investigating further, we noticed some discrepancies in the warehouse loading list. It was concluded that there must have been a mix up during consolidation of cargo in different containers. Just as 15 cases meant for Dubai were found to have been loaded in the Ajman bound container, the other missing cases may also have been inadvertently loaded in containers meant for other destinations.



*“ You fail only if you quit. Never give up ”*

*- “SOLUTION FOR ALL YOUR CLAIMS” -*



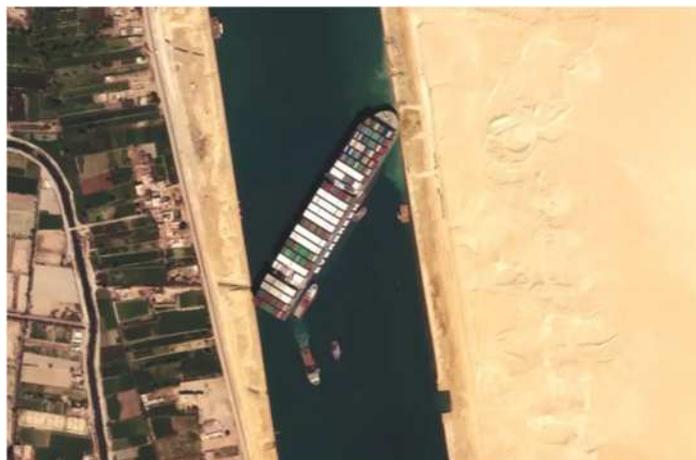
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A claim was lodged with the Forwarder for the value of 175 cases amounting to AED 133,251. Based on the investigations conducted, the Forwarder had to accept liability. The claim was finally settled on the basis of the package limitation as per their Standard Trading Conditions.

*The claim resulted due to the negligence of the warehouse staff while consolidating cargoes in different containers in their warehouse. This is a heads up for Freight Forwarders to maintain proper arrangements for storage of different customers' cargoes in order to ensure that the cargoes do not get mixed up during consolidation.*

### **“EVER GIVEN” - GROUNDING IN SUEZ CANAL**

As all Readers are aware, “Ever Given”, one of the world’s largest container ships ran aground in Suez Canal on 23 March blocking the traffic in both directions. This was a major incident this year which had far reaching consequences affecting various entities. Huge claims are expected which the concerned Insurers will no doubt have to deal with appropriately.



*“ Work for a Cause , not for Applause ”*



*- “SOLUTION FOR ALL YOUR CLAIMS” -*



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**On a lighter note**, the apportionment of liability can be complicated given that –

- *The Captain of the ship is Indian*
- *The canal pilots are Egyptian*
- *The ship builders are Japanese*
- *The owners are Japanese*
- *The Operator is German*
- *The Insurance company is British*
- *The Charterer is Taiwanese*
- *The cargo is Chinese*
- *The Salvors are Dutch*
- *The ship's flag state is Panama*
- *The Classification society is American*

**The blame game will commence.**



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*“ Live life to Express, not to Impress ”*



- **“SOLUTION FOR ALL YOUR CLAIMS”** -



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### NOMINEE Vs LEGAL HEIR

It is usual practice to nominate a person when taking a policy or when making an investment. The Nominee could be any one of your relatives or friends. The intention behind nomination may be to exclude certain persons and ensure that the Nominee is the only beneficiary after you pass away. The common perception is that such nominated person is entitled to receive and keep the money.

As per the Law, a Nominee is a Trustee and not the owner of the assets he receives as Nominee. In other words, his or her role is only in the form of a caretaker of your money/assets. The Nominee is expected to hold the proceeds in trust and transfer it to the Legal Heirs.

Legal Heir is the one mentioned in the Will. If there is no Will, then the Legal Heir is decided according to the Succession laws. Nominee can also be one of the Legal Heirs.

The purpose of having a Nominee is to ensure that someone you trust will go through the legal formalities and ensure that your Legal Heirs are paid. If there is no Nominee, the Legal Heirs will have the burden of proving their title by going through the cumbersome formalities.

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### PUNCH LINES –

- *Take my advice. I don't use it anyway*
  - *As I said before, I never repeat myself.*
  - *War does not determine who is right; War determines who is left.*
  - *Bus Station is where a bus stops. Train Station is where a train stops ; On my desk, I have a Work Station .....what more can I say ?*
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- "SOLUTION FOR ALL YOUR CLAIMS" -