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Representation of a large transport company in an Arbitration court

Dareks Logistik

Representation of a large transport company in an Arbitration court in a dispute with an insurance firm on the recovery of insurance compensation under an insurance contract as a result of the complete loss of a vehicle as a result of an accident.

Refusing to pay insurance indemnity, the insurance company pointed out that the transportation company violated the deadline of application for the insurance case provided by the contract and rules of insurance, and therefore, in accordance with the provisions of the insurance contract, an accident may not be insured.

The refusal of the insurance company to pay insurance compensation as a result of an accident served as the basis for the transport company's appeal to the Arbitration court with a claim.

In support of the claim our lawyers was formed by the legal position that the refusal of insurance companies to pay insurance indemnity, as a result of the admission of term of filing of application about the insured event provided by the contract and rules of insurance is unreasonable and the insurance company is obliged to pay insurance compensation under the contract in full, because the transport company has taken steps to arrange inspection of the damaged vehicle, but the insurance company refused it., and the lack of verification did not allow us to reliably establish the existence of an insured event and the amount of losses to be reimbursed.

The insurance company had to provide evidence in the case file that the insurer's failure to comply with the deadline for filing the insurance claim affected the insurer's obligation to fulfill its obligations under the insurance contract.

In turn, the insurance company did not provide evidence confirming the absence of fault of the transport company, how the failure of the policyholder to comply with the deadline for reporting the insured event affected the insurer's obligation to fulfill its obligations under the insurance contract.

Thanks to the developed legal mechanism, the Commercial court of first instance agreed with the arguments of the transport company and satisfied the claims in full, collecting Insurance compensation from the insurance company.

Not agreeing with the decision of the court of first instance, the insurance company appealed to the court of Appeal. The court of appeal upheld the decision of the court of first instance.

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