

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130916

Docket: A-446-12

Citation: 2013 FCA 218

**CORAM: NADON J.A.
PELLETIER J.A.
GAUTHIER J.A.**

BETWEEN:

GRIEG SHIPPING A/S

Appellant

and

**THE OWNERS AND ALL OTHERS INTERESTED IN THE
SHIP "DUBAI FORTUNE" and FORTUNE MARITIME LTD.**

Respondents

Heard at Vancouver, British Columbia, on September 16, 2013.

Judgment delivered from the Bench at Vancouver, British Columbia, on September 16, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on September 16, 2013)

NADON J.A.

[1] We see no reviewable error on the part of the Judge in concluding that there was no vicarious liability on the part of the owners of the “Dubai Fortune” in respect of the collision between the tug “Tiger Shark” and the appellant’s ship the “Star Hansa”.

[2] In our view, there was evidence to support the Judge’s finding that the collision resulted from an error in navigation by those in command of the “Tiger Shark”.

[3] As we have not been persuaded that the Judge either erred in law or made a palpable and overriding error, the appeal will be dismissed with costs.

"M. Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-446-12

(APPEAL FROM AN ORDER OF THE FEDERAL COURT (THE HONOURABLE MR. JUSTICE LEMIEUX) DATED SEPTEMBER 21, 2012, DOCKET NO. T-1174-07)

STYLE OF CAUSE: Grieg Shipping A/S v.
The Owners And All Others
Interested In The Ship "Dubai
Fortune" and Fortune Maritime Ltd.

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: September 16, 2013

REASONS FOR JUDGMENT OF THE COURT BY: (NADON, PELLETIER,
GAUTHIER J.J.A.)

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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FOR THE APPELLANT

W. Gary Wharton
David Jarrett

FOR THE RESPONDENTS

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FOR THE RESPONDENTS