

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successful Cases

Civil case

### **T.A. v I. M., I. G. and I. G.**

Georgian Young Lawyers' Association provided legal assistance to T. A. who owned a house since 1996. Based on a verbal agreement with previous owners – I.M., I.G and I.G., he had paid USD 4 000 but was not registered at the disputed residential property. We prepared a lawsuit on behalf of T.A. seeking his recognition as the beneficiary of the impugned property and acknowledgment as the owner of the property in exchange for paying 25% of the property value (USD 32 000).

The first instance court did not grant the claim and explained that T.A. was not the beneficiary since he had not signed a written agreement and nor was he registered at the disputed residential property. The decision was appealed in the Appellate Court which fully granted GYLA's claim. The Appellate Court recognized T.A. as the beneficiary. The respondent appealed the decision in the Supreme Court where the parties settled. According to the settlement, I.M., I.G. and I.G. committed themselves to paying USD 27 000 to T.A. within the period of 6 months after adoption of the settlement act; in an event of their failure to do so, the decision of the Appellate Court will come into force.

Administrative case

### **M.P. v the Ministry of Finance of Georgia and the legal entity of public law Revenue Service**

Georgian Young Lawyers' Association provided assistance to M.P. who was fined with GEL 500 by the Revenue Service for non-usage of cash register. M.P. appealed the act in Revenue Service and in the Ministry of Finance afterwards. M.P. clarifies that he did not commit violence; rather, he issued a receipt but could not hand it to the customer since he left the shop in haste. M.P. had a receipt issued two minutes before the protocol of violation was drawn up but it was not taken into account by the Revenue Service or the Ministry of Finance and M.P.'s claim was turned down.

With the assistance of GYLA M.P. applied to court seeking annulment of the protocol on tax offense and the decisions of the Revenue Service and the MOF. Tbilisi City Court annulled the impugned acts and ordered the Revenue Service to re-examine relevant circumstances and deliver a new decision within the period of one month after the decision comes into its legal force. The decision was appealed by respondents in the appellate and the supreme courts respectively; the courts turned down their claims and the decision of the city court came into force.

As a result of intervention of GYLA's lawyers, unlawful acts issued by Sakrebulo of Ozurgeti and Chokhatauri were pronounced null and void

On April 25, 2012, and on May 25, 2012, Ozurgeti Municipality and Chokhatauri Municipality respectively deemed individual administrative-legal acts regulating the procedure for admission and relocation of citizens in offices of representative and

executive agencies, unlawfully restricting their free movement, as null and void. These acts had been adopted by Chairpersons of Sakrebulo of said municipalities, unauthorized individuals, and they regulated general rule of conduct for constant or temporary and multiple use. The law of Georgia on Normative Acts prohibits adoption of a normative legal act as an individual legal act as well as adoption of an individual legal act as a normative act. Further, in both cases order of Sakrebulo's chairperson applied not only to representative but also to executive agencies.

By making reference to the order adopted by Sakrebulo's Chairperson, journalist N.G. was prohibited from entering the office of Chokhatauri Municipality Gamgeoba on March 13. Therefore, he was unable to leave an application requesting access to public information at the correspondence office. Similar action occurred against journalist Zh.M. on March 16, 2012 in Ozurgeti. He was not allowed to leave an application at the correspondence office of the Governor's administration.

N.G. and Zh.M. filed an administrative lawsuit in court, seeking annulment of aforementioned unlawful individual administrative-legal acts. Their interests were defended by GYLA lawyers. Both cases were successful without court deciding on merits of the case. Both Sakrebulo of Ozurgeti and Chokhatauri deemed the individual administrative-legal acts adopted by Sakrebulo chairpersons as null and void after filing of a lawsuit against them.

Upon declaration of the impugned act as null and void, journalists withdrew their applications from preparatory stage and refunded state duty that they had paid in advance for court hearing.

### **With the help of GYLA lawyers, persons displaced from Abkhazia will be able to obtain their birth certificates**

With its May 7, 2012 decision, Kutaisi City Court granted the claims of the socially vulnerable L.A. and S. M., who have been displaced from Abkhazia and ordered the Civil Registry Agency to correct the inaccurate data – DOB of the individuals concerned in their birth records. These persons had lost their birth certificates during the warfare in Abkhazia. Based on the judicial decision, applicants will obtain their birth certificates indicating accurate DOB.

## **GYLA successfully concluded litigation of 23 cases against Shota Rustaveli State University in Batumi**

Lawyers of GYLA's Office in Adjara were defending interests of citizens – total of 23 individuals – who had been admitted to Shota Rustaveli State University in Batumi but were unable to pay their tuition fee due to deterioration of their financial situation. Therefore, they had to discontinue their studies right after the beginning of school year. These individuals never received the service from the university envisaged by corresponding agreement due to the fact that they had to discontinue their studies for being unable to pay tuition fee; nevertheless, the university filed a lawsuit against the individuals concerned seeking they be ordered to pay the tuition fee. Amount of fee was determined on case by case basis, according to the duration of studies and individual departments, ranging from GEL 1500-3500. As a result of assistance provided by lawyers of GYLA's office in Adjara, appellate courts of both Batumi and Kutaisi did not uphold the position of the applicant (the university). The courts found that limitation (prescription) for the lawsuit had expired and the claim of Shota Rustaveli State University of Batumi was rejected. Court's decisions were not appealed and they have already come into their legal force.

## **With the help of GYLA lawyers, alimony was granted to minors**

With the assistance of lawyers of GYLA's office in Kutaisi, Kutaisi City Court granted alimony to three minors – L.N., S.Sh. and M.Ch. - in the amount of GEL 100 for each. The court fully upheld the applicant's position contending that the fathers failed to provide due care and living conditions necessary for the development of children within the frames of their financial capability. Further, in addition to the alimony, father of L.N. was also ordered to contribute to the child's medical expenses in the amount of GEL 100 until his recovery.