

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Successful Cases in April

With the Help of the Tbilisi Office of GYLA, Entrepreneur Will Be Reimbursed for the Illegally Seized Goods, Amounting to 77'161.20 GEL

Tbilisi office of GYLA provided legal assistance to B. Q. B. Q. is the Individual Entrepreneur (IE), who's goods, intended for the commercial purposes, were seized based on the tax violation protocol. The Tbilisi Appellate Court recognized the tax violation protocol of the Revenue Service and the tax duty to be invalid and recognized the right of the B. Q. to receive the seized property back.

However, it turned out, that the property, seized from B. Q. was lost. For this reason, B. Q. addressed the court with GYLA's assistance and requested to be given the new

execution writ, which would indicate the monetary value of the lost property for B. Q. to be able to receive the monetary reimbursement from the Revenue Service. At first, the request of B. Q. was not satisfied by the Appellate Court, which was then appealed at the Supreme Court. The Supreme Court had satisfied the complaint of B. Q. and sent the case back to the Appellate Court for consideration. The Supreme Court explained, that the execution is the part of administering the justice, which obliges the Court to make the enforceable decision. Following the return of the case and consideration of the above interpretation of the Supreme Court, the Appellate Court finally upheld the request of B. Q. and estimated the cost of the reimbursable property to be 77'161.20 GEL.

With the Help of GYLA, the Citizen Will be Reimbursed for the Illegal Criminal Conviction

The Gori branch office of GYLA provided the court representation of the interests of M. B., who was convicted for the violation prescribed under the Paragraphs 1 and 2 of the Article 338 of the Criminal Code of Georgia (accepting the bribe).

Gori District Court terminated the criminal prosecution of M. B. with its February 19, 2013 decision, based on the lack of the evidence against the defendant. Following the entrance into the force of the Court decision, M. B. addressed the Tbilisi City Court with assistance of GYLA's Gori branch office and requested reimbursement of the material and non-pecuniary damage, inflicted due to the illegal criminal conviction.

The decision of the Tbilisi City Court, which was maintained unchanged by the upper instance, obliged the Prosecutor's Office of Georgia to reimburse M. B. for the material damage, in the amount of 10'000 GEL and for the non-pecuniary damage, in the amount of 1'000 GEL.

With the Help of GYLA the Citizen Recovered the Ownership of the Apartment

Rustavi branch office of GYLA represented the interests of the elderly individual - V. Dz. at the Court; V. Dz. had signed an agreement with the citizen N. B. relating to the provision of the lifetime support. According to the above agreement, N. B. undertook the obligation to provide V. Dz. with the proper meals, medical treatment, living

conditions, clothes, necessary for normal existence, throughout the lifetime of V. Dz. In turn, V. Dz. transferred the ownership of the apartment to N. B. N. B. did not fulfill the obligations under the lifetime support agreement, due to which V. Dz. addressed the court with the complaint through the assistance of the Rustavi branch office and terminated the lifetime support agreement with N. B.

The court upheld the complaint of V. Dz. and the apartment has returned to the claimant's ownership.

With the Help of GYLA the Citizens Will Be Reimbursed for the Non-Payment of the Salary

- Kutaisi branch office of GYLA provided court representation to the former teacher of the non-commercial legal entity „Kutaisi Union of Culture, Art and Educational Entities”, who was illegally dismissed from the position. With GYLA's help, the court not only recognized the illegality of the dismissal of E. A., but also ruled on reimbursing for the non-payment of the salary.

- The lawyer of the GYLA Kutaisi branch office also protected the interests of N. A. at the court; N. A. worked at the non-commercial legal entity “Tskaltubo Municipality Library and Museum Union” as the acting Head Accountant. The director of this legal entity illegally dismissed N. A. from the position. As in the previous case, with GYLA's help the court recognized not only the illegality of the dismissal of N. A., but also upheld the request of N. A. on the reimbursement for the non-payment of the salary.

With the Help of GYLA's Lawyer, the Citizen Was Able to Defend the Property Right

With the help of GYLA Kutaisi branch office lawyer, M. P. won the court proceeding against the family member – F. M. and as a result, will be able to register the property right on the share of residential property.

With the Help of GYLA, the Citizen Was Able to Register the Right of Property Over the Residential Space at the Public Registrar

With the help of the GYLA Adjara branch office lawyer, the complaint of V. L. against

the public registrar was upheld and the registrar was obliged to register the property right over the apartment, belonging to V. L.

With the Help of GYLA, the Doctor Will Be Able to Confirm the Exact Information About the Work Experience

Z. Ch. has been working at the Republic Hospital of Batumi in the Surgery division for years, as the surgeon. Starting from 2004 the employer has been referring to the amount of work (number of the conducted surgeries) for the calculation of the monthly salary. In 2012, Z. Ch. requested the information on the amount of work (conducted surgeries) done by Z. Ch. from 2004 to 2012 to confirm the data in the biography. The employer did not provide the information to the employee, despite having the obligation to do so. Z. Ch. addressed the Batumi City Court with the complaint through the assistance from the GYLA Adjara branch office and requested the access to the information. The court fully agreed to the claimant and obliged the hospital to provide Z. Ch. with the information. The decision of the court has entered its force.

With the Help of GYLA, V. M. Won the Case Against the Tbilisi Registration Services of the National Agency of the Public Registrar and against the Entity of Public Law “Property Management Agency”

GYLA Tbilisi office provided legal assistance to V. M. V. M. is the owner of the 0.10 hectares of the land, located at the territory of the Norio City Court fruit tree farm. V. M. bought the land on June 20, 2006 and registered it at the public registrar without proper specifications. Later, the owner was informed that the land was registered by the Tbilisi self-governing entity as its ownership and sold through the auction.

V. M. addressed the court with the complaint through GYLA’s assistance and requested invalidation of the decision.

Tbilisi City and Appellate Courts have not upheld the request under the complaint, which was then appealed at the Supreme Court. The Supreme Court of Georgia sent the case back to the Appellate Court for consideration. During the second consideration the Appellate Court partially upheld the appellate complaint and invalidated the decision on registering the land as the ownership of the self-government and the letter of the Property Management Agency, based on which the

registration was made; however, the court refused to invalidate the request relating to the auction results.

The decision of the Appellate Court was again appealed at the Supreme Court, which upheld the appellate complaint of V. M. and invalidated the auction results as well.

With the Help of GYLA Tbilisi Office the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia Was Obligated to Pay One More IDP the GEL Equivalent of the 10'000 USD

GYLA Tbilisi office protected the interests of the IDP – N. P. from Akhalgori. The family of N. P. was signed into the list of the persons, receiving the monetary compensation instead of the newly built, rehabilitated or procured residential spaces and was therefore given the GEL equivalent of the 10'000 USD. However, before N. P. withdrew the amount from the account, the Ministry transferred the amount back without any justification.

N. P. started legal proceedings against the Ministry in 2011. Finally, the procrastinated proceeding ended in favor of the claimant and the Ministry was obliged to pay N. P. the GEL equivalent of the 10'000 USD.

With the Help of the GYLA Tbilisi Office the Beneficiary Managed the Issues Related to the Execution

GYLA Tbilisi branch office protected the interests of O. Kh., who, for six years, through various legal means, tried to execute the decision on the civil case, made in 2007, relating to the restriction of the property right.

Finally, after the procrastinated considerations, in April 2014, the Administrative Chamber of the Supreme Court of Georgia upheld the appellate request of the citizen O. Kh. and obliged the National Bureau of Enforcement to properly execute the court decision made in 2007.