

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Successfully litigated cases in November

With assistance of a lawyer from GYLA's Tbilisi office the beneficiary was relieved of reimbursement of GEL 75 577, the cost for improperly appointed medical treatment

GYLA's lawyer represented T.K.'s and her son's interests in the case against the medical institution. The applicant demanded to impose on T.K. payment of the cost for medical treatment conducted to his husband in the amount of GEL 75, 577 and to alienate real property of his son A.R. at the bidding, since as the applicant (medical

institution) reported, the property was registered fraudulently on A.R.'s name.

The case concerned surgical procedure on nonmalignant tumor, as a result of which the patient was diseased from various other illnesses and received the first group disability status. At this point he is in resuscitation department. After the hearing on merits, it was determined that T.K. was not obliged to cover expenses for medical treatment of her husband. The court stated that T.K. has not given consent on conduct of different medical manipulations to her husband and therefore born expenses have resulted from lack of qualification of medical institution.

With assistance from GYLA's Adjara branch, the insurance company reimbursed cost of medical treatment to the beneficiary

GYLA's Adjara branch represented in a court D.F.'s interests, who for aggravation of health condition was in need of emergency surgical procedure. Though, family member notified the insurance company about the procedure immediately and submitted necessary documents for cost calculation within necessary terms envisaged by the contract, insurance company refused to compensate the expenses under the motive that it was not informed about the planned surgical procedure.

With assistance of GYLA's Adjara branch, D.F. applied to the court and claimed compensation for the born expenses. Batumi city court fully upheld D.F.'s claim and ordered insurance company payment of medical treatment cost in the amount of GEL 2000. Both the appellate court and the supreme court upheld the decision of the first instance court. The decision has been enforced already.

With GYLA's assistance a beneficiary was relieved of administrative liability

GYLA's Kutaisi branch represented J.B.'s interests, who was found guilty of administrative offence based on electronic penalty bill as per Article 1182 of the Administrative Code of Offences of Georgia (using means of mobile communication while driving a motor vehicle) and was ordered to pay GEL 10 as a sanction. After the term for voluntary fulfillment of fine expired, G.B. accrued penalty of GEL 150. For his failure to pay the penalty before the deadline, the penalty was replaced by taking away of driving license for the period of one year. Kutaisi city court upheld the position of the defense that J.B. has committed petty

administrative offence. By the November 20, 2013 ruling he was relieved of administrative liability.

Kutaisi City Hall was ordered to issue title deed to GYLA beneficiary

The lawyer of GYLA's Kutaisi office litigated on O.K.'s administrative case before Kutaisi City Court. Kutaisi city hall refused to issue title deed on the apartment being in lawful possession of the applicant, for failure to submit order on apartment. O.K., though managed to submit to the city hall the document verifying his registration in the disputed apartment (so called form "b" and "a").

Kutaisi city court ruled the case in favor of O.K. and the respondent, Kutaisi City Hall was ordered to issue the title deed. The court fully upheld the defense's position stating that it was impossible to issue the document of registration in the apartment without existence of the administrative act on lodging or the relevant order. In view of this, the court presumed that O.K.'s registration document was sufficient to confirm lawful possession of the apartment.

With assistance from GYLA's office, a beneficiary will be compensated for the damage suffered as a result of an offence

GYLA's Telavi office provided legal aid to S.O. who suffered material damage as a result of the criminal act. Namely citizens O.B. and M.B. were found guilty as per para. 1 a, and para 3 a and c of Article 177 of the Penal Code of Georgia (stealing perpetrated by an organized group, with advance consent, by illegally entering the house, place or storage facility). With assistance of a lawyer from Telavi office, S.O. applied to the court with a law suit and claimed compensation for the suffered damage. By November 22, 2013 decision of Telavi city court, S.O.'s complaint was satisfied and respondents were ordered to compensate the damage, in the amount of GEL 500 in favor of the applicant.

With assistance from GYLA's Telavi office, the beneficiaries were relieved of administrative liability

GYLA's Telavi office represented O.A's and A.J.'s interests at the stage of administrative proceeding. A.J. was found guilty of administrative offence based on

electronic penalty bill as per para.2, Article 121 of the Administrative Code of Offences (Handling over a Motor-Vehicle to a minor or a person who does not have a driving license) and was ordered to pay GEL 200 as a sanction. After the term for voluntary fulfillment of fine expired, A.J. accrued penalty of GEL 550. For his failure to pay the penalty before the deadline, the penalty was replaced by taking away of driving license for the period of two years.

O.A. was also found guilty of administrative offence based on electronic penalty bill as per para.1, Article 121 of the Administrative Code of Offences (Driving of a Motor-Vehicle by a person who does not have a driving license) and was ordered to pay GEL 200 as a sanction. After the term for voluntary fulfillment of fine expired, O.A. accrued penalty of GEL 750. Both beneficiaries explained to the patrol inspector that they had driving license, however, according to applicable legislation it is not obligatory to carry the document, therefore they did not have it while driving the car.

With the assistance of GYLA's office in Telavi, O.A and A.J. appealed the electronic penalty bill and the resolutions on imposing penalties in patrol police department of MIA. The electronic penalty bills, the resolutions on penalization and decision to take away the driving license to A.J. was invalidated. The document issues by the service agency of MIA confirms that they had a driving license. In view of this, the proceedings were terminated for no evident signs of administrative violation.