

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF ARTICLE 40 OF THE
MARRIAGE AND FAMILY RELATIONS CODE OF THE REPUBLIC OF ARMENIA
(INVALIDATED ON APRIL 19, 2005) RAISED BY THE APPLICATION OF GAYANE
MANUKYAN**

Based on the examination of the case and subject to Article 168(1), Article 169 § 1(8), and Article 170 of the Constitution, as well as guided by Articles 63, 64 and 69 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. Article 40 of the Marriage and Family Relations Code of the Republic of Armenia (invalidated on April 19, 2005) complies with the Constitution by the interpretation that the status of a spouse per se does not guarantee the invariability of the status of a “person concerned” for a plaintiff in administrative proceedings, if the actual circumstances of the case or the applicable law exclude such a status.

2. According to Article 69 § 10 of the Constitutional Law on the Constitutional Court, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstances as prescribed by the Law.

3. Pursuant to Article 170 § 2 of the Constitution, this Decision shall be final and shall enter into force upon its promulgation.

PRESIDENT

A. DILANYAN

December 26, 2022

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