

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

ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE CONFORMITY OF PART 4, ARTICLE 231.1 (IN NEW WORDING PART 4, ARTICLE 233) OF THE RA CIVIL PROCEDURE CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE CITIZEN EMILYA MELIQYAN

Rapporteur H. Danielyan

Considering the results of the examination of the case, taking into account the amendments in a number of articles of the Civil Procedure Code of the Republic of Armenia adopted by the National Assembly of the Republic of Armenia on 28 February and 28 November 2007 and taking into consideration the challenged Part 4, Article 231 was not subjected to any contextual, but was reworded as Part 4, Article 233, guided by Part 1, Article 100, Article 102 of the Constitution of the Republic of Armenia, Article 63, 64 and 69 of the Law on “The Constitutional Court”, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. Part 4, Article 231.1 (Part 4 of Article 233 in the new wording) of the Civil Procedure Code in aspect of limitation of the retrial of the protest in the case of returning of the cassation protest recognize contradicting and invalid to the requirements of the Part 1 of the Article 18 and Article 19 of the RA Constitution.
2. The provision of the part 3 of Article 224 of the Civil Procedure Code of RA recognize contradicting and invalid to the requirements of the part 1 of the Article 18 of the Constitution of RA in aspect of injunction of the bringing of the cassation protest by the same person against the same judicial act more than one time.
3. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

May 27, 2008
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