

**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 POINT 6 OF PART 1
OF ARTICLE 396 OF THE CIVIL PROCEDURE CODE OF THE REPUBLIC OF
ARMENIA, RAISED BY THE APPLICATION OF NUNE ATOYAN**

Based on the results of an examination of the Case and guided by point 1 of Article 168, point 8 of part 1 of Article 169, part 1 and parts 4-5 of Article 170 of the Constitution, as well as Articles 63, 64, and 69 of the Constitutional Law “On the Constitutional Court”, the Constitutional Court **DECIDED:**

1. Point 6 of part 1 of Article 396 of the Civil Procedure Code complies with the Constitution by the interpretation that all the shortcomings of the cassation appeal that were present when the cassation appeal was first filed and initially served as a basis for returning the cassation appeal, but were not addressed in the decision to return the cassation appeal, shall not be considered as new violations within the meaning of the aforementioned provision.

2. According to part 10 of Article 69 of the Constitutional Law “On the Constitutional Court”, the final judicial act adopted against the Applicant shall be subject to revision upon the grounds of newly emerged circumstances as prescribed by the Law, considering that point 6 of part 1 of Article 396 of the Civil Procedure Code of the Republic of Armenia had been applied against the Applicant by an interpretation other than given by this Decision.

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

PRESIDING JUDGE

A. DILANYAN

20 May 2025

DCC-1783