LAW OF GEORGIA

CIVIL PROCEDURE CODE OF GEORGIA

Book One

General Provisions

Section One

Court

Chapter I – Basic Provisions of Legal Proceedings

Article 1 – Scope of application

1. Common Courts of Georgia shall review civil matters under the procedures determined by this Code.

2. Civil proceedings shall be conducted under the procedural legislation that is applied for reviewing matters, performing individual procedural actions or executing court rulings.

Article 2 – Protection of rights in judicial proceedings

1. Everyone shall be guaranteed judicial protection of their rights. A court shall start to review a matter based on an application of a person who applies to the court for protection of his/her legitimate rights or interests.

2. A court may refuse to accept an application or to review a matter only on the grounds and under the procedures determined by this Code.

Article 3 – Principle of disposition

1. The parties shall initiate judicial proceedings in accordance with the procedures established in this Code by filing a claim or an application. They shall determine the subject matter of the dispute and make an independent decision on filing a claim (application).

2. The parties may settle proceedings amicably. A plaintiff may withdraw his/her action, and a defendant may acknowledge an action.

Article 4 – Adversarial principle

1. Legal proceedings shall be conducted based on adversarial principles. Parties shall enjoy equal rights and opportunities to substantiate their claims, reject or extinguish claims, opinions or evidence presented by the other party. Parties shall determine on their own on which facts their claims must be based, or which evidence must be used to verify those facts.

2. To establish details of a matter, a court may take actions under this Code on its own initiative.

Article 5 – Administration of justice only by court based on equality of citizens

Only a court shall administer justice on civil matters based on equality of all persons before the law and the court.

Article 6 – Independence of judges and their subordination to law

1. A judge shall be independent in his/her activities and shall be subordinated only to the Constitution of Georgia and laws. Any influence on a judge or interference in his/her activities to influence decision-making shall be prohibited and punishable under law.

2. If, in the opinion of a reviewing court, the law to be applied to the matter fails to comply with or contradicts the Constitution, the court shall suspend the hearing until the Constitutional Court makes a decision on this issue. After that the hearing shall be resumed.

3. If, in the opinion of a reviewing court, a subordinate normative act, examination of which is not within the authority of the Constitutional Court, fails to comply with the law, the court shall make a decision according to the law.

Article 7 – Analogy of statute and law

1. If there is no law that can regulate a disputed relationship, a court shall apply the law that regulates similar relationships (analogy of statute), and if no such law is available either, then the court shall apply general principles of the legislation of Georgia (analogy of law).

2. If there is no civil procedural norm regulating a relationship that has arisen during legal proceedings, a court shall apply the norm of procedural law that regulates similar relationships (analogy of statute), and if no such norm is available either, then the court shall apply the general principles of civil procedure law (analogy of law).

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 8 – Decision-making on behalf of Georgia

A court shall make a decision on behalf of Georgia.

Article 9 – Publicity of civil proceedings and the language of legal proceedings

1. In court, all matters shall be heard in open sessions unless this contradicts the interests of confidentiality of state secrets. Matters may also be heard in closed sessions in other circumstances provided by law, based on a substantiated petition of a party.

1^1. Photo-, film-, audio-, video or shorthand recording in a court building or during a civil proceeding shall be performed under the Organic Law of Georgia on Common Courts.

2. Parties and their representatives, and if required, witnesses, experts, specialists and interpreters shall participate in closed hearings.

3. A court shall make a reasoned ruling on conducting a closed hearing.

4. Legal proceedings shall be conducted in the state language. An interpreter shall be assigned to a person who has no command of

the state language.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 5290 of 11 July 2007– LHG I, No 29, 27.7.2007, Art. 330

Article 10 – Binding nature of court decisions

The judgment (rulings, resolutions) entered into legal force, and also the instructions and decrees of the court, issued in order to exercise the powers of the court, shall be binding for all state, public or private enterprises, institutions, organisations, officials or citizens across the entire territory of Georgia, and the court decisions shall be enforced.

Chapter II – Substantive Jurisdiction

Article 11 – Substantive jurisdiction of courts in civil matters

1. The court under civil procedural legislation shall hear the matters related to violated or disputed rights, as well as the matters on the protection of statutory interests, in particular:

a) the disputes between citizens, citizens and legal persons, as well as between legal persons arising from civil, family, labour or land relations, as well as relations with respect to the use of natural resources and environmental protection;

b) (deleted);

c) (deleted);

d) (deleted);

e) the disputes between public and religious organisations;

f) the matters of non–contentious proceedings;

g) the matters related to confiscating and transferring to the State the property obtained from racketeering, or the property of an official, a member of the 'criminal underworld'/'a thief in law', a human trafficker, a person facilitating distribution of drugs, or the property of a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia;

h) the matters of adoption;

i) the matters of application of the sanctions under the legislation of Georgia against a person connected with a person who is convicted of carrying out prohibited economic activities in the occupied territories;

j) (Deleted – 19.2.2015, No 3096);

k) the matters related to the prohibition of dissemination of a creative piece of work if such dissemination encroaches on the rights of others.

2. In accordance with the law, the court jurisdiction may extend to other categories of cases.

3. The courts shall hear the above matters, unless the law stipulates that the matters come under the authority of administrative bodies.

4. The courts shall hear the matters deriving from international agreements, and also the matters involving aliens, stateless persons, enterprises and organisations of foreign states.

5. After a lawsuit becomes pending with a court the dispute arising between parties may not be reviewed by any other court or administrative body. At the same time, the parties shall not be deprived of the right to sell or alienate in any other manner the object of the dispute, or to assign the claim.

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art.245

Law of Georgia No 211 of 24 June 2004– LHG I, No 18, 9.7.2004, Art.64

Law of Georgia No 5199 of 4 July 2007– LHG I, No 28, 18.7.2007, Art.286

Law of Georgia No 5628 of 18 December 2007– LHG I, No 48, 27.12.2007, Art.418

Law of Georgia No 797 of 19 December 2008– LHG I, No 40, 29.12.2008, Art.284

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Law of Georgia No 4026 of 22 December 2018 – website, 25.12.2018

Article 12 – Referring disputes to arbitration

The parties to a dispute may agree to refer to arbitration those private property disputes that are based on equality of persons and that can be settled mutually between the parties.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art.64

Chapter III – Court Jurisdiction

Article 13 – Civil cases under the jurisdiction of district (city) courts

1. A district (city) court shall hear at the first instance civil matters falling under its substantive jurisdiction.

2. A district (city) court may be composed of a magistrate judge who hears cases under Article 14 of this Code in administrative-territorial units within the territorial jurisdiction of the district (city) court.

3. In the administrative-territorial units where there is no magistrate judge, also in his/her absence, cases under Article 14 of this Code shall be heard by another judge of a district (city) court.

4. If there are several interconnected claims, one of which is not under the jurisdiction of a magistrate judge, another judge of a district (city) court shall hear the case.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art.227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 14 – Civil matters falling under the jurisdiction of magistrate judges

Magistrate judges shall hear at the first instance the following cases:

a) property disputes, provided the value of the action does not exceed GEL 5 000;

b) non-contentious and summary proceedings, except for adoption cases, and summary proceedings for claims for damages and cases relating to declaring the property ownerless, if the value of the claim or property exceeds GEL 5 000;

c) disputes related to family law matters, other than adoption, deprivation of parental rights, establishment of paternity and divorce cases, provided there is a dispute between the spouses over the custody of the child;

d) (deleted).

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art.64

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art.71

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art.64

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art.227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art.505

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 15 – General venue

1. A claim shall be filed with a court according to the place of residence of the defendant. A claim against a legal person shall be filed with a court according to the location of the legal person. For proceedings where no claim is lodged, the jurisdiction shall be determined according to the place of residence of the person against whom an application (complaint) has been filed.

1^1. Claims (applications) for cases under Article 14 of this Code shall be filed with a court according to the territory falling under the jurisdiction of a magistrate judge, and in an administrative-territorial unit that has no magistrate judge, claims shall be filed with a district (city) court.

2. If a defendant has no place of residence, the claim shall be reviewed in a court according to his/her location in the territory of Georgia. If a defendant's location is unknown, then a claim may be filed according to his/her last place of residence.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art.227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 16 – Exclusive venue

1. An action against several defendants shall be filed with a court according to the place of residence of one of the defendants.

2. Contract-based actions shall be filed with a court according to the place of contract performance or the place where the contract must have been performed, except as provided for in paragraph 5 of this article.

3. An action arising from the activity of a branch of a legal person shall be filed with a court only according to the location of the branch.

4. Actions related to intestate or testamentary succession shall be submitted to a court before the death of the decedent, according to his/her place of residence. If the decedent is a Georgian national, but resided abroad at the time of his/her death, a claim may be filed with a court according to his/her last place of residence or the location of his/her estate in Georgia.

5. Actions arisen on the basis of the agreements concluded by the banking institutions, microfinance organisations, and non-banking deposit institutions of Georgia – qualified credit institutions (including the ones made in an electronic form) on granting a loan (credit) shall be filed with the court according to the place of residence of the defendant.

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 17 – Initiating an action against a defendant who has no place of residence in Georgia (*forum rei sitae*)

An action against a defendant who has no place of residence in Georgia may be filed with a court according to the location of the property of the defendant. If the claim has been secured with property, an action may be initiated according to the location of this property.

Article 18 – Jurisdiction as to the subject matter (*forum rei sitae*)

1. If a dispute concerns rights in real property, including rights over a land plot, an action for title to the property, for encumbrance or removal of such encumbrance, as well as for property division, distribution and ownership may be filed with a court according to the location of the assets in question.

2. An action filed against an owner or holder of a real thing, as well as an action filed to recover damage or loss of a real thing shall fall under in rem jurisdiction.

Article 19 – Matrimonial jurisdiction

1. An action to terminate or invalidate marriage, as well as to establish the fact or the absence of the fact of marriage, may be filed with a court according to a common place of residence of the spouses. If upon filing an action, there is no such place, then the action may be filed according to the defendant's place of residence. If the defendant has no place of residence in Georgia, then the court shall hear the case according to the plaintiff's place of residence.

2. If minor children live with the plaintiff, which makes it difficult for him/her to appear in court according to the defendant's place of residence, at the plaintiff's request the case may be heard at the court according to his/her place of residence.

3. (Deleted)

4. An action to establish paternity may be brought in a court according to the child's place of residence.

5. An action to enforce the payment of the alimony may be submitted to a court according to the child's place of residence.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art.64

Article 19^1 – Adoption jurisdiction

An action for adoption may be submitted to a court according to the location of the adoptive parent or of the adoptee.

Law of Georgia No 5628 of 18 December 2007– LHG I, No 48, 27.12.2007, Art.418

Article 20 – Jurisdiction based on a plaintiff's choice

If a case falls under the jurisdiction of several courts, a plaintiff may choose the court.

Article 21 – Agreement on jurisdiction

1. If the exclusive jurisdiction of a court has not been established, then the parties may choose a jurisdiction by agreement. The agreement shall be executed in writing.

2. A court that lacks jurisdiction may acquire jurisdiction also in cases where a defendant is not against hearing the case in a court that lacks jurisdiction, and agrees to participate in the hearing. Such jurisdiction may also be acquired if the defendant is represented by a lawyer, or is notified of the lack of jurisdiction of a court and its consequences, as well as of his/her right to objec on the grounds of lack of jurisdiction. The fact that the defendant has been provided with such information by a court shall be recorded in minutes of the court.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art.64

Article 22 – Hearing of cases admitted in compliance with the rules of jurisdiction

A court shall hear a lawsuit pending with the court in compliance with the rules of jurisdiction, and shall decide on its merits, even if this case subsequently falls under the jurisdiction of another court.

Article 23 – Referring a case to a competent court

1. A court shall refer a case for hearing to another court, if:

a) a defendant whose place of residence was not known previously requests that the case be referred to a court according to his/he place of residence;

b) due to recusal of one or more judges in a court, it is impossible to replace the judges in the same court.

2. If a case falls under the jurisdiction of several courts, it shall be transferred to a court chosen by the plaintiff.

3. A court shall render a ruling referring a case to another court; the ruling may not be appealed.

Article 24 – Inadmissibility of a dispute over jurisdiction

A lawsuit referred from one court to another shall become pending for hearing with the court to which the case was referred. A dispute over jurisdiction between courts shall be inadmissible.

Chapter IV – Composition of a Court; Recusal

Article 25 – Composition of a court

1. Civil cases shall be heard at the first instance by a district (city) court, as well as by magistrate judges sitting alone.

2. (Deleted).

3. Civil cases shall be tried in the appellate procedure by three judges. Cases under Article 14 of this Code, a property dispute the value of which does not exceed GEL 20 000, an appeal concerning the ruling on upholding the judgment made by the first instance court, and disputes arisen from labour relations may be heard by a single judge of the Civil Cases Chamber of the court of appeals.

4. Civil cases shall be tried by way of cassation by three judges, except when the Grand Chamber of the Supreme Courts hears a case.

Law of Georgia No 918 of 8 June 2001 – LHG I, No 18, 28.6.2001, Art.56

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art.227

Law of Georgia No 2261 of 4 December 2009 – LHG I, No 41, 8.12.2009, Art.305

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 26 – Procedure for hearing particularly complex cases

1. When there is a sufficient number of judges in a district (city) court to hear cases by a panel of judges, the judge who hears the case alone may determine that the case is to be heard by a panel of three judges, if:

a) the hearing and resolution of the case is essential to judicial practice;

b) the case is especially complex in its factual or legal aspects.

2. A judge shall deliver at the main hearing a reasoned ruling on hearing a case by a panel of judges, before the case hearing starts. The ruling shall be forwarded to the presiding judge who determines the composition of the panel. The panel shall include the judge who participated in the original hearing of the case.

3. (Deleted)

4. (Deleted)

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 918 of 8 June 2001– LHG I, No 18, 28.6.2001, Art.56

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 27 – Procedure for solving issues by a panel of judges

1. If a panel of judges hears a case, all issues arising with respect to the hearing shall be resolved by a majority of votes. None of the judges may abstain from resolving any issue.

2. A judge who disagrees with the majority opinion at the time when a court of first instance, appeal and cassation is delivering a judgment, ruling or resolution, may present his/her dissenting opinion in writing. During the announcement of the decision, the parties to the hearing shall be notified of the existence of a dissenting opinion.

3. The dissenting opinion shall be enclosed with the case file, without disclosing its contents in a courtroom.

Article 28 – Confidentiality of deliberation

Judges may not disclose the details of the discussion that took place during the deliberation.

Article 29 – Inadmissibility of a repeated participation of a judge in a case hearing

1. A judge who took part in hearing a case at the first instance may not participate in the hearing of this case at a court of appeals and/or a court of cassation.

2. A judge who took part in a case hearing at a court of appeals may not participate in the hearing of this case at a court of first instance and/or a court of cassation.

3. A judge who took part in a case hearing at the court of cassation may not participate in the hearing of this case at a court of first instance and/or a court of appeals.

Article 30 – Inadmissibility of admitting close relatives in the composition of a court

Persons who are closely related to each other may not be admitted to the composition of a court that hears civil cases. And if it is discovered that such relatives are on the panel, they shall be removed from the hearing.

Article 31 – Other grounds for recusing a judge

1. A judge may not hear a case or participate in the hearing of a case, if he/she:

a) represents a party to the case or shares common rights or obligations with any of the parties;

b) participated in a previous hearing of this case as a witness, an expert, a specialist, an interpreter, a representative or a secretary of a court session;

c) is a relative of one of the parties or of the party's representative;

d) is personally interested, directly or indirectly in the outcome of the case, or if there are other grounds for questioning his/her impartiality;

e) participated in this case as a mediator.

[e) was a mediator in the same case or in another case essentially related to this case. ***(Shall become effective from 1 January 2020)]***

2. Under paragraph 1(c) of this article, relatives include:

a) spouse;

b) bride/bridegroom;

c) lineal relatives;

d) siblings;

e) nephews and nieces;

f) parents' siblings;

g) relatives in law (relatives by marriage);

h) persons connected with long-term family relationship.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 32 – Self-recusal

If there are grounds for recusal, a judge shall be obliged to recuse himself/herself. A ruling on self–recusal that contains a reference to the grounds for self–recusal shall be delivered by the judge (court).

Article 33 – Application of the parties for recusal

Parties may apply for recusal in writing. An application for recusal shall specify the grounds for recusal and shall be submitted during the preparation for preliminary hearing. An application for recusal may be made later only if grounds for recusal have become known to the person requesting recusal, or have arisen after the commencement of the main hearing. In this case, an application on recusal may be made before oral arguments.

Article 34 – Procedure for making a decision on an application for recusal

1. After recusal is proposed, the court (the judge) may listen to the parties, as well as to the person against whom recusal is sought.

2. The court shall make a decision on recusal by deliberating in a courtroom or in chambers.

3. If a recusal is declared against a judge who hears a case alone, this judge himself/herself shall decide the matter of recusal. When a recusal is admitted or when a judge recuses himself/herself, the judge shall refer the case to the presiding judge who shall forward it to another judge for review. If there is no other judge in a district (city) court who hears civil cases, then the presiding judge shall refer the case to the presiding judge of appeal in order for the court of appeals to forward it to another district (city) court.

4. If recusal is declared against one of the judges of the panel, the remaining judges shall decide the matter of recusal in the absence of the judge whose recusal is sought. If the votes against or in favour of the recusal of a judge are equal, the judge shall be deemed recused. In this case, the judge shall be replaced with another judge.

5. If recusal is declared against the entire composition or majority of the panel of judges, the entire panel of these judges shall mak a decision on recusal with a majority of votes. If the entire panel or majority of the panel is recused, the case shall be submitted to the presiding judge, who shall refer the case to another panel for review.

6. If the entire chamber of the Supreme Court of Georgia or of the court of appeals is recused, the case shall be submitted to the presiding judge of the court concerned, who shall refer the case to another panel for review according to the procedures prescribed by law. If after admitting a recusal in a court of appeals, or in the cases specified in Article 29 of this Code, it is impossible to set up a new panel of judges, the case shall be forwarded to the chairperson of the Supreme Court in order for the Supreme Court to refer the case to another court of appeals.

Law of Georgia No 1494 of 26 June 1998 – The Parliament Gazette, No 25-26, 15.7.1998, p.32

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art.64

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art.227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 35 – Grounds for recusing experts, interpreters, specialists, secretaries of the session

Experts, interpreters, specialists and secretaries of the session may be recused under the grounds provided in Article 31(1).

Article 36 – Appealing a court ruling on recusal

A court ruling on recusal may be appealed together with a court judgment, under Articles 377 and 404.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Chapter V – Costs of Trial

Article 37 – Definition of concepts

1. Court and extra-judicial costs shall constitute costs of trial.

2. State fees and costs associated with a case hearing shall constitute court costs. Procedure for calculating costs associated with a case hearing and their amount shall be determined under the decision of the High Council of Justice of Georgia.

3. Advocate's fees, lost wages (lost earnings), costs incurred for providing evidence, as well as other necessary costs of the parties shall constitute extra-judicial costs.

Law of Georgia No 3435 of 13 July 2006– LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 1156 of 20 September 2013 – website, 8.10.2013

Article 38 – State fees

State fees shall be paid under the Law of Georgia on State Fees for:

a) an action, as well as for an application on returning a leased item into the ownership of the lessor;

a^1) an application for mandatory sale of shares;

a^2) an application for judicial assistance in securing witness attendance and evidence for arbitration proceedings, for an application concerning the appointment, recusal, or termination of an arbiter or for an application concerning the arbiter's competence, unless otherwise provided by international agreements of Georgia;

a^3) an application for recognition and execution of arbitration award, for an appeal to reverse arbitration award, unless otherwise provided by international agreements of Georgia;

a^4) (deleted – 19.2.2015, No 3096);

a^5) (deleted – 19.2.2015, No 3096);

a^6) (deleted – 19.2.2015, No 3096);

b) a counter-claim;

c) appeals of a third party who has independent claims against the object in question;

d) an application for instituting non-contentious proceedings;

e) a claim relating to disputes arising from state-legal and administrative-legal relations;

f) an appeal petition;

g) a cassation appeal;

h) a complaint subject to a time limit;

i) an application for provisional measures;

i[1]) an application for applying, or recognising and executing the measures to secure a claim related to arbitration proceedings, unless otherwise provided for by international agreements of Georgia;

[i[2]) an application for applying a measure to secure the mediation settlement agreement, or an application for executing the mediation settlement agreement; ***(Shall become effective from 1 January 2020)]***

j) an application for reopening proceedings on the grounds of newly discovered circumstances or an application for declaring a decision void.

Law of Georgia No 1365 of 29 April 1998 – The Parliament Gazette, No 19-20, 30.5.1998, p.41

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art.50

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art.376

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art.327

Law of Georgia No 2451 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 388

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 39 – Amount of state fees

1. The amount of state fees shall be:

a) in the cases specified in Article 38(a–c, e) of this Code – 3% of the value of a subject matter of dispute, but not less that GEL 10 except as determined under Article 187[3] of this Code;

a[1]) for an application for judicial assistance in securing witness attendance and evidence for arbitration proceedings, an application for the appointment, recusal, termination and of an arbiter, or an application regarding the competence of an arbiter – GEL 50, unless otherwise provided by international agreements of Georgia;

a[2]) for an appeal for cancelling an arbitral decision, an application for the recognition and execution of an arbitrary decision –GEL 150, unless otherwise provided by international agreements of Georgia;

a^3) 1% of the value of the subject matter of dispute for actions under Article 187^3 of this Code, but not less than GEL 50; if a dispute in a judicial mediation process is not settled by agreement between the parties, the plaintiff, upon lodging a claim in compliance with general rules, shall be obliged to submit the original copy of the receipt certifying the payment of 2% of the subject matter of dispute, but not less than GEL 50;

[a^3) 1% of the value of the subject matter of a dispute but not less than GEL 50 – for claims under Article 187^3 of this Code. If a dispute in a judicial mediation process is not settled by agreement between the parties, the plaintiff shall, after the proceedings are resumed, additionally submit the original copy of a receipt certifying payment of 2% of the value of the subject matter of the dispute but not less than GEL 50; ***(Shall become effective from 1 January 2020)]***

a^4) (deleted – 19.2.2015, No 3096);

a^5) (deleted – 19.2.2015, No 3096);

[a^6) GEL 50 for an application for applying a measure to secure the mediation settlement agreement;

a^7) GEL 150 for an application for executing the mediation settlement agreement; ***(Shall become effective from 1 January 2020)]***

b) for an appeal petition, including a decision (ruling) of a district (city) court on refusing to reopen proceedings – 4% of the value of the subject matter of dispute, but not less than GEL 150;

c) for a cassation appeal, including a decision (ruling) of a district (city) court on refusing to renew proceedings – 5% of the value of the subject matter of dispute, but not less than GEL 300;

d) for a complaint subject to a time limit – GEL 50;

e) for an application for provisional measures, as well as for an appeal – GEL 50, if the applicant is a natural person, and GEL 150 – if the applicant is a legal person;

e^1) for an application for using, recognising or executing provisional measures related to arbitration proceedings – GEL 50, if the applicant is a natural person, and GEL 150 – if the applicant is a legal person, unless otherwise provided by international agreements of Georgia;

f) for an application for reopening proceedings on the grounds of newly discovered circumstances – GEL 100, if the applicant is a natural person, and GEL 300 – if the applicant is a legal person;

g) for an application for declaring a decision void – GEL 50;

h) for a non-property dispute – GEL 100, and for appeal and a cassation claims – GEL 150 and GEL 300 respectively;

i) for a dispute arising with respect to the reopening of proceedings over a lost material of the case, if the case material was lost through the fault of either of the parties – GEL 100;

i^1) (deleted – 19.2.2015, No 3096);

j) for a claim brought with respect to a bill of exchange or a cheque – GEL 100, for appeal and cassation claims – GEL 150 and GEL 300, respectively;

k) for non–contentious matters – GEL 50, for appeal and cassation claims – GEL 100 and GEL 300, respectively.

1^1. (Deleted – 6.12.2011, No 5369).

2. The amount of state fees for the matters falling under the jurisdiction of a magistrate court in courts of all instances shall be half of the amount established under paragraph 1 of this article.

3. Amount of state fees:

a) in a court of first instance shall not exceed:

a.a) GEL 3 000 – for a natural person;

a.b) GEL 5 000 – for a legal person;

b) in a court of appeals shall not exceed:

b.a) GEL 5 000 – for a natural person;

b.b) GEL 7 000 – for a legal person;

c) in a cassation court shall not exceed:

c.a) GEL 6 000 – for a natural person;

c.b) GEL 8 000 – for a legal person.

Law of Georgia No 1365 of 29 April 1998 – The Parliament Gazette, No 19–20, 30.5.1998, p.41

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 1395 of 7 May 1999 – LHG I, No 13, 28.5.2002, Art.50

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art.376

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5304 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art.334

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 2451 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art.388

Law of Georgia No 3365 of 6 July 2010 – LHG I, No 40, 20.7.2010, Art. 246

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 5369 of 6 December 2011 – website, 20.12.2011

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Decision of the Constitutional Court of Georgia No 2/6/623 of 29 December 2016 – website, 12.1.2017

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 40 – Value of the subject matter of dispute

1. A plaintiff shall indicate the value of the subject matter of dispute. If the price specified by the plaintiff applicant is manifestly different from the actual value of the disputed property, a judge shall determine the price of the subject matter of dispute based on the market value of the disputed property.

2. If one action contains several different claims, then these claims shall be summarised and then the value of the subject matter of dispute shall be determined.

3. When determining the value of the subject matter of a dispute, account shall be taken of the prices applicable at the time when the action was filed, and when appealing a decision account shall be taken of the prices applicable at the time of filing the appeal.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 41 – Procedure for determining the price of the subject matter of dispute

1. The price of the subject matter of dispute shall be:

a) on claims for collection of funds– the amount payable;

b) on claims concerning transfer or supply of an item (property) – the market value of this item (property);

c) on maintenance claims – the aggregate of the amounts payable within one year;

d) on claims for due payments or disbursements – the aggregate of the amounts to be paid or disbursed within not more than three years;

e) on claims for payments without fixed term or lifelong payments or disbursements – the aggregate of the amounts to be paid or disbursed within three years;

f) on claims for reduction or increase of payments or disbursements – the sum by which the payments or disbursements are reduced or increased, but within not more than one year;

g) on claims for early termination of a property lease agreement – the aggregate of the amounts to be paid for the remaining term, but for not more than three years;

h) on claims for termination of payments or disbursements – the aggregate of the remaining payments or disbursements, but for not more than three years;

i) on claims for the recognition of a title to real property – the market value of the real property;

j) GEL 4 000, provided in property disputes (property infringement or other interference, neighbour disputes, etc.) it is impossible to determine the value of the subject matter of dispute.

2. If along with a non-property dispute a property dispute arising from it is considered, the price of the subject matter of dispute shall be determined according to the claim with higher value.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 42 – Preliminary estimation of the value of the subject matter of dispute

If, upon filing an action it is impossible to precisely estimate the value of the subject matter of dispute, the preliminary amount of state fees shall be determined by the judge, and then the payment of an additional amount is requested or the excess amount paid is returned according to the value of the claim established during the litigation.

Article 43 – (Deleted)

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 44 – Costs of the proceedings

Costs of the proceedings include:

a) sums to be paid to witnesses, specialists and experts

b) sums to be paid to interpreters

c) costs incurred for on-site inspections

c^1) costs incurred for fact-finding process mandated by the court

d) costs of finding the defendant

e) costs of the enforcement of the court's decision

f) sums paid to a lawyer from the state treasury

g) costs of conducting forensic examinations at a specialised expert institution.

Law of Georgia No 597 of 25 November 2004 – LHG I, No 37, 16.12.2004, Art.173

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 45 – Sums payable to witnesses, experts, specialists and interpreters

1. Witnesses, experts, specialists and interpreters shall be reimbursed for travel and accommodation costs incurred for appearing in court, and will be given a daily allowance. Private specialised expert institutions (independent experts), specialists, interpreters shall be reimbursed for the work mandated by the court based on a concluded agreement. In determining the remuneration amount account shall be taken of the time required for performing the task mandated by the court, as well as the material required for proper fulfilment of this duty, etc.

2. A state-owned specialised expert institution shall be reimbursed for forensic examination (specialist, interpreter) costs based on the rates and tariffs determined by the Government of Georgia.

2^1. The fact-finding mandated by the court shall be reimbursed according to the rates determined by the Minister of Justice of Georgia by the person at whose request the court mandated to carry out on-site inspection for the purpose of establishing the facts and the costs of the fact-finding carried out at the court's initiative shall be borne equally by parties.

3. Employees who are summoned to court as witnesses shall retain their average salary at their workplace. Witnesses not involved in employment relations shall be reimbursed for the time spent away from their work or regular activities, taking into consideration the actual time spent and the amount of minimum wage.

Law of Georgia No 597 of 25 November 2004 – LHG I, No 37, 16.12.2004, Art.173

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 46 – Exemption from court costs

1. The following persons shall be exempt from court costs to be paid to the State Budget:

a) plaintiffs – on maintenance claims;

b) plaintiffs – on claims for the compensation of damages sustained as a result of injury or other bodily harm, the death of a breadwinner;

c) plaintiffs – on claims for compensation of damages sustained as a result of a crime;

d) the parties – on claims for reimbursement of damages incurred by citizens as a result of illegal conviction, illegal prosecution, illegal imposition of arrest as a measure of restraint or illegal imposition of corrective works as an administrative penalty;

e) plaintiffs – on claims for violation of minors rights;

f) the parties registered in the Unified Database of Socially Vulnerable Families and receiving a subsistence allowance under established procedures, which is confirmed by appropriate documents;

g) the parties – when appealing preliminary (interim) decisions by way of appeal or cassation;

h) the parties – on claims for returning a wrongfully removed or retained child or for rights to access the child;

i) plaintiffs – in the amount of the state fees for the claim arising from the Law of Georgia on Relations Arising during the Use of a Dwelling Place.

2. The law may also stipulate other cases of exemption from court costs payable to the state budget.

Law of Georgia No 2450 of 20 June 2003 – LHG I, No 20, 11.7.2003, Art.139

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Article 47 – Exemption from court costs by a court

1. A court may exempt a citizen in part or in full from court costs payable to the State Budget taking into consideration the citizen's material status, provided the citizen proves his/her inability to pay court costs and provides the court with reliable proof based on which the judge shall deliver a reasoned ruling.

1^1. (Deleted)

2. If a party is insolvent and, taking into consideration the importance and complex nature of a case, participation of an advocate in the hearing is advisable, the court may, based on the motion of this party, appoint a lawyer at the expense of the State within the scope determined by Article 23^1 of the Law of Georgia on Legal Assistance.

2^1. In the case provided in paragraph 2 of this article, the judge shall make a reasoned ruling and apply to the Legal Assistance Office for appointing a lawyer at the expense of the State. The rule and procedure for appointing a lawyer at the expense of the State shall be established under the Law of Georgia on Legal Assistance. The court ruling on appointing a lawyer at the expense of the State shall be binding for the Legal Assistance Office.

2^2. The procedure for remuneration of a public lawyer employed by the Legal Assistance Office and of an invited public lawyer to provide legal assistance at the expense of the State shall be established under the Law of Georgia on Legal Assistance.

3. Exemption of one party from court costs shall not affect the obligations of the other party to pay court costs.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5304 of 11 July 2007– LHG I, No 29, 27.7.2007, Art.334

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 3014 of 26 December 2014 – website, 31.12.2014

Article 48 – Deferment of payment of court costs and their reduction

1. A court may defer the payment of court costs payable to the State Budget or reduce their amount for one or both parties, taking into consideration their material status, provided the party submits a reliable proof to the court.

2. If there is no ground for exempting a plaintiff from payment of state fees, his/her payment of state fees with regard to a case on recovery of the property from illegal ownership shall be deferred till the end of the hearing. This procedure shall also apply to a respondent if he/she brings a counterclaim for such a case.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5304 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art.334

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Article 49 – Reduction of the amount of state fees

1. If a plaintiff renounces his/her claim, or if a defendant recognises the claim or if the parties reach an amicable settlement at the main hearing, the amount of state fees shall be halved.

2. If a plaintiff renounces his/her claim, or if a defendant recognises the claim or if the parties reach an amicable settlement before the main hearing, the parties shall be fully exempted from state fees.

2^1. If parties reach an amicable settlement in the process of judicial mediation, the plaintiff shall be refunded 70% of the state fees paid.

3. If renouncement or recognition of a claim applies only to a part of the subject matter of dispute, the obligation to pay state fees shall be determined according to the remaining portion.

4. Full or partial exemption from state fees in courts of appeal and cassation shall be made under this article, in the amount of state fees determined only for these instances.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 50 – Reimbursement of costs incurred as a result of on-site inspection

If on-site inspection is performed outside the territorial jurisdiction of a court, the court or the judge performing the inspection shall be reimbursed for travel and accommodation costs and be given a daily allowance.

Article 51 – Finding of a defendant or a debtor

The search for a defendant, in cases prescribed by law, shall be performed at the expense of the State Budget and the defendant shall pay these costs to the State Budget after the court delivers its decision; the debtor shall pay the costs during the enforcement of a decision. The debtor shall bear the costs incurred for the enforcement of a court decision.

Article 52 – Advance payment of court costs by the parties

1. The party requesting a certain procedural action shall pay court costs (state fees and costs associated with the case hearing) in advance, except as otherwise determined by law. If this action is carried out at the initiative of a court, then both parties shall pay this amount in equal portions.

2. (Deleted – 25.5.2012, No 6315)

3. (Deleted – 25.5.2012, No 6315)

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 53 – Distribution of court costs between the parties

1. The costs incurred by the party in whose favour a decision is made, shall be paid by the other party, even if this party is exempted from court costs payable to the State Budget. If a claim was satisfied in part, then the plaintiff shall pay the amount specified in this article in proportion to the portion of the claim satisfied by the court, and the defendant shall pay the amount in proportion to the portion of the claim that was not satisfied by the court. The court shall impose costs for the assistance of the representative of that party in whose favour the decision was made, on the other party within reasonable limits, but not exceeding the amount of 4% of the value of the subject matter of dispute; during non-property dispute – up to the amount of GEL 2 000, taking into consideration the importance and complex nature of the case.

1^1. The issue of compensating the Legal Assistance Office for costs of providing legal assistance shall be regulated under the Law o Georgia on Legal Assistance.

2. The procedures under this article shall also apply to the distribution of the court costs incurred by the parties during appeal and cassation proceedings.

3. If a court of appeals or a court of cassation changes the judgment or delivers a new judgment, it shall respectively change the distribution of court costs.

4. If a court of appeals or a court of cassation remands a case, all court costs incurred with respect to the review of this case, starting from the filing of the claim, shall be summed up and then distributed between parties according to this article.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 3014 of 26 December 2014 – website, 31.12.2014

Article 54 – Distribution of court costs and an advocate's fee when renouncing a claim or reaching an amicable settlement

1. If a plaintiff renounces his/her claim, the defendant shall not reimburse the costs incurred by the plaintiff; but, if the plaintiff did not assert his/her claim because the defendant satisfied it voluntarily after the claim was filed, then, at the request of the plaintiff, the court shall impose on the defendant the costs incurred by the plaintiff, including advocate's fees.

2. If during conciliation proceedings the parties agree on the procedure for distributing court costs and advocate fees, the court shall decide this issue according to their agreement.

Article 55 – Payment of court costs to the State

1. Costs of proceedings incurred by the court and state fees from which the plaintiff was exempt, shall be paid by the defendant to the budget in proportion to the satisfied part of claim.

2. If a plaintiff renounces the claim he/she shall pay to the State Budget the costs incurred by the court. If a claim is satisfied in part and the defendant is exempt from court costs, the costs or proceedings incurred by the court shall be paid to the State Budget by the plaintiff if he/she is not exempt from court costs, in proportion to the portion of the claim not satisfied by the court.

3. If both parties are exempt from court costs, then the State shall pay the costs of proceedings incurred by the court.

Article 56 – (Deleted)

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Chapter VI – Procedural Security

Article 57 – Provision of security

1. If in the cases specified in this Code, a party is ordered to provide security for the damages that the opposing party may incur as a result of the procedural action in question, unless otherwise agreed between the parties, the party shall provide such security by depositing money or securities to the deposit account of the Department of Common Courts of the High Council of Justice of Georgia. Such deposit is acceptable as security under the Civil Code of Georgia.

2. A court may allow other forms of security under preferential terms, in particular, a warranty issued by a credit institution.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 58 – Removing grounds for security

If the grounds for which security was provided no longer exist, then the party in whose favour the security was provided shall be obliged to return the security.

Chapter VII – Procedural Time Limits

Article 59 – Time limits for procedural actions

1. A procedural action shall be performed within the time limits determined by law.

2. If procedural time limits are not determined by law, they shall be established by a court. When determining the duration of procedural time limits, the court shall take into consideration the possibility of performing the procedural action for which these time limits have been specified.

3. A court shall hear a civil case not later than two months after receiving the application. By decision of a trial court of a particularly complex case, this time limit may be extended by not more than five months, except for cases on claims for maintenance payments, compensation of damages incurred as a result of injury or other bodily harm, or the death of a breadwinner, also claims with respect to labour relations, matters related to the Law of Georgia on Relations Arising during the Use of a Dwelling Place, and cases on recovery of the property from illegal ownership, which must be heard not later than one month.

3^1. In the cases specified in Article 184 of this Code, civil cases shall be reviewed within not later than 45 days after the document confirming the receipt of the notice by the defendant is submitted to court, or after notice is served on the defendant by

publication. A court that hears particularly complex cases may rule to extend this term up to not more than 60 days.

3^2. The court shall consider a case on granting the right of expropriation under the Law of Georgia on Procedures for Deprivation of Property for Necessary Public Need no later than two months after receiving the application. By the ruling of the trial court, this time limit may be extended by no more than one month.

4. The time limits established by law for appealing court judgments and rulings may not be extended or restored.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art.71

Law of Georgia No 1816 of 30 June 2005 – LHG I, No 36, 11.7.2005, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 4457 of 28 October 2015 – website, 30.10.2015

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Article 60 – Calculation of procedural time limits

1. Time limits for taking a procedural action shall be calculated according to a specific calendar date, according to the event that is to occur, or according to a period of frame. In the latter case, a procedural action may be taken during the entire period of time.

2. The procedural time limits expressed in years, months or days shall start from the day following the calendar date or the occurrence of the event that has been determined as its starting moment.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 61 – End of procedural time limits

1. The time limit expressed in years shall end in the respective month and day of the last year of the time limit. The time limit expressed in months shall end in the respective month and day of the last month of the time limit. If in the time limit expressed in months the day on which it is to expire does not occur in the last month, then the time limit shall end with the expiry of the last day of that month.

2. If the last day of the time limits falls on a Saturday, Sunday or an official holiday, it shall be extended until the end of the first subsequent working day.

3. A procedural action for the performance of which a time limit has been specified, may be performed until 24:00 of the last day of the time limit. If a claim, documents or a sum of money was submitted to a post office or a telegraph office before 24:00 of the last day of the time limit, the time limit shall not be deemed expired.

Article 62 – Suspension of procedural time limits

All unexpired procedural time limits shall be suspended if proceedings are suspended. Time limits shall be suspended from the day when the circumstances due to which the proceeding was suspended occur. The running of procedural time limits shall be resumed on the day when the proceedings are resumed.

Article 63 – Consequences of expiration of time limits

The right to take a procedural action will be extinguished after the time determined by law or established by court expires. The claim or documents submitted after the expiry of procedural time limits shall not be reviewed.

Article 64 – Extension of procedural time limits

Unless otherwise provided by law, a court may extend the time limits established by the court at the request of parties or on its own initiative.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Article 65 – Restoration of procedural time limits

Unless otherwise provided by law, a court may restore the time limit specified for the performance of a procedural action, if it finds that the procedural action was not performed due to excusable cause. The circumstances under Article 215(3) of this Code shall be considered as excusable cause.

Law of Georgia No 3435 of 13 July 2006– LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art.1

Article 66 – Application for the restoration of procedural time limits

An application for the restoration of procedural time limits shall be submitted to the court in which the procedural action was to be taken. The court shall satisfy this application if it finds that the procedural time limits were missed due to excusable causes. The circumstances under Article 215(3) of this Code shall be considered as excusable cause.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 67 – Form and content of an application for the restoration of procedural time limits

An application for the restoration of procedural time limits shall be submitted to a court in writing. The application shall contain reasons due to which a procedural action was not taken within the time limits, as well as evidence confirming the reasons.

Article 68 – Reviewing of an application for the restoration of procedural time limits

1. A court shall review an application for the restoration of time limits without notifying the parties.

2. A court ruling refusing to restore the missed procedural time limits may be appealed by a complaint subject to a time limit.

Article 69 – Payment of court costs related to the restoration of procedural time limits

The party who failed to timely perform a procedural action shall pay the costs for the review of an application for the restoration of procedural time limits, unless such failure is caused by the opposite party.

Chapter VIII – Court Notice and Summons

Article 70 – Judicial summons

1. A party or its representative shall be notified by a judicial summons of the date and location of a hearing or of the performance of individual procedural actions. The summons shall be deemed served on a party or its representative if it has been served on either of them or on the entities under Article 74 of this Code, or if the parties have agreed on a different, reasonable procedure for service, according to that agreement. The representative shall be obliged to notify the party of receipt of the summons. Judicial summons are also used for summoning witnesses, experts, specialists and interpreters to a court.

2. Judicial summons shall be served on the parties or their representatives in such a way as to give them reasonable time to prepare the case and to appear in court on time.

3. The parties, their representatives, as well as witnesses, experts, specialists and interpreters may be summoned by phone, fax, and other technical means of communication or by using a different service procedure agreed between the parties. When using technical means of communication for summons, details specified in Article 72(1) of this Code shall be indicated, and in the cases specified in Article 73(2) of this Code, a certificate of service shall also be drawn up and enclosed with the case file. An appropriate court officer shall draw up the certificate of service.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 6144 of 8 May 2012 – website, 25.5.2012

Article 71 – Service of judicial summons and consequences of the failure to serve

1. Judicial summons shall be served on the addressee based on the principal address (factual location), alternative address, workplace, and other address known to the court or according to a different service procedure agreed between the parties.

2. If judicial summons could not be served on the plaintiff at the address indicated, although provisions of Article 73(1) of this Code have been complied with, the judicial summons shall be deemed served. This rule shall apply to a defendant if judicial summons are sent to the address indicated in his/her reply (response).

3. If the address of the defendant indicated by the plaintiff is correct, but judicial summons could not be served on the defendant under Article 73(1) of this Code, the court shall act in compliance with the provisions of Article 78 of this Code.

4. If the address of the plaintiff applicant or that of the defendant indicated by the plaintiff turns out to be incorrect, the court shall deliver a ruling leaving the claim untried.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 6144 of 8 May 2012 – website, 25.5.2012

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 72 – Content of judicial summons

1. Judicial summons shall contain:

a) title and exact address of the court;

b) reference to the time and place of appearance; if the summons is sent to a representative, also a reference to the obligation of the representative to notify the party which he/she represents;

c) title of the case with respect to which the person is summoned, and reference to the subject matter of dispute;

d) identity of the person to be summoned to the court, also the status under which he/she is summoned, and reference to the measures that may be taken if he/she fails to appear without providing valid reasons;

e) proposal to the parties to provide all the evidence available to them;

f) reference to the obligation of the person who accepts the judicial summons in the absence of the addressee, to hand over the summons to the addressee as soon as practicable;

g) reference to the consequences of the failure to appear and to the obligation to notify the court about the reasons for the failure to appear.

2. Together with the judicial summons, the judge shall send to the defendant the claim form and copies of the supporting documents. Together with the judicial summons, the judge shall send to the plaintiff a copy of the defendant's written statement, if such statement has been received in court by the time of sending the summons. Copies of all written documents submitted to the court may be sent to the parties before or after sending the summons.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Article 73 – Sending judicial summons

1. Judicial summons shall be sent using technical means specified in Article 70(3) of this Code, mail, court courier or a different service procedure agreed between the parties. The court shall determine the method of notification and the address where judicial summons is to be sent; the court may send summons in any order. The court may also serve judicial summons on a person in a court building. If judicial summons could not be served on the addressee at the time when they were first sent, the summons shall be sent again to the person at least once to the same address or to a different address known to the court.

1^1. (Deleted – 28.12.2011, No 5667)

2. Service of judicial summons by technical means shall be confirmed:

a) when using a telephone – by a certificate of service by technical means;

b) when using an email or fax – by the confirmation received by the respective technical means and/or by a certificate of service by technical means.

3. When a person is summoned by a telegram, service of judicial summons shall be confirmed by a notice confirming receipt of the telegram.

4. (Deleted)

5. The time of service of judicial summons on the addressee shall be marked on the second copy of the summons, which shall be returned to the court. When using technical means, the time of service of judicial summons shall be marked in the confirmation o receipt provided by technical means specified in paragraph 2 of this article and/or in the certificate of service by technical means.

6. The judge may, with the party's consent, hand to this party the judicial summons to be delivered to the person who is the addressee of the summons. In order to deliver judicial summons in a timely manner, the party may ensure the delivery of the summons through a courier at his/her own expense, based on a written application to the court. A person mandated by the court to deliver the judicial summons, shall be obliged to return to the court the second copy of the summons signed by the addressee.

7. If the parties, their representatives, as well as witnesses, experts, specialists and interpreters could not be notified of the time and location of a hearing or of the performance of a certain procedural action, under this Code, the judge may rule that the local self-government body or local precincts (district police officers) of territorial bodies of the Ministry of Internal Affairs of Georgia deliver to these persons the judicial summons. Local authorities or district police officers shall be obliged to make arrangements for delivery of the judicial summons to the parties, their representatives, as well as to witnesses, experts, specialists and interpreters

within the time limits established under the court ruling, and notify the judge of the delivery, causes for the failure to deliver or for refusal to deliver the judicial summons.

7^1. If a person to be summoned to court is in another municipality (district, city) and judicial summons cannot be delivered to him/her in time, the court reviewing the case may impose the task of serving the summons on the court in whose jurisdiction the person is staying. For this purpose, the court reviewing the case may send the judicial summons to the court concerned or notify it of the contents of the summons using technical means. In this case, the court that has been mandated to serve the summons shall draw up the summons on behalf of the mandating court. An appropriate court officer shall perform the mandated task. The court tasked with serving the summons shall be obliged to notify the mandating court of the delivery, causes for the failure to deliver or for the refusal to deliver judicial summons, and send the corresponding document by technical or other means.

8. Judicial summons sent to a citizen by mail or a courier shall be delivered in person. Judicial summons sent to a citizen's workplace, also to an organisation, shall be delivered to its secretariat or equivalent structural unit or person, or in its absence – to duly authorised person of the organisation who will deliver the summons to the addressee. Judicial summons may also be delivered to a citizen or an organisation using a different service procedure agreed between the parties. Delivery of judicial summons under this paragraph shall be confirmed by the signature of the addressee on the second copy of the summons.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 1701 of 24 September 2009 – LHG I, No 29, 12.10.2009, Art.184

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 6144 of 8 May 2012 – website, 25.5.2012

Article 74 – Notification in the absence of the addressee

1. If a person delivering the judicial summons failed to meet the addressee of the summons at the address indicated by the party, he/she shall hand over the summons to any legally competent family member living with the addressee, and if the judicial summons is delivered according to the workplace – to the administration of the workplace, under Article 73(8) of this Code, except when they participate in the hearing as opposite parties. On the second copy of the summons the recipient of the judicial summons shall be obliged to put his/her name and surname, relation to the addressee, and the position held. The recipient of the judicial summons shall also be obliged to immediately deliver the summons to the addressee. Delivery of the judicial summons to the person specified in this paragraph shall be considered as service of the summons on the addressee, which shall be confirmed by the recipient's signature on the second copy of the summons.

2. If the addressee is absent, the person delivering the judicial summons shall indicate on the second copy of the summons the location of the addressee and the time of his/her expected return.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art.480

Article 75 – Refusal to accept judicial summons

1. If the addressee or the entity under Article 74(1) of this Code refuses to accept judicial summons, except as determined by paragraph 2 of this article, the person delivering the summons shall record the refusal on the summons, which shall be returned to the court. In this case, judicial summons shall be deemed served on the addressee and the court may hear the case.

2. If the entity under Article 74(1) of this Code refuses to accept the judicial summons, the summons shall not be deemed served on the defendant, if the summons is sent to him/her for the first time, except where summons has been sent to the address indicated by the defendant in its reply (response).

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Article 76 – Change of address during the proceedings

The parties and their representatives shall be obliged to notify the court of a change of address during the proceedings. In the absence of such notification, judicial summons shall be sent to the last address known to the court, and shall be deemed served, even if the addressee no longer lives at that address.

Article 77 – Delivery of judicial summons to one of the joined parties

1. If one of the joined parties has been tasked with pursuing the proceedings, the judicial summons shall be served on him/her. He/she shall be obliged to notify the other joined parties. Service of the summons on the party tasked with pursuing the proceedings shall mean that the summons has been served on all the joined parties.

2. If the number of plaintiffs, appellants and opposite parties to a case exceeds 10 persons, and if the circumstances specified in paragraph 1 of this article do not exist, the judicial summons shall be sent to the first three signatories on the claim (appeal, response). Service of the judicial summons on one of them shall mean that the summons has been served on all the parties on his/her side.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Article 78 – Public notice1. If the location of a party is unknown or it is impossible to serve judicial summons in any other way, the court may, by its ruling, approve service by publication. Public dissemination of the court notice shall be carried out by hanging notification on a prominent place in the court building concerned or by placing it on a website, or at the request of an interested party, by publishing, at the party's expense, in the newspaper widely circulated in the administrative-territorial unit where the party resides, or by publishing in other media.

2. In the cases specified in paragraph 1 of this article, judicial summons shall be deemed served on the party on the seventh day after the summons are placed at a prominent place in the court building concerned, or on a website, or published in a newspaper or other media.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art.480

Section Two

Parties

Chapter IX – Capacity to Be a Party to Court Proceedings; Capacity to Sue and Be Sued

Article 79 – Parties to a civil proceeding

1. A court shall begin hearing on application of interested parties. Natural and legal persons may be parties to court proceedings.

2. Organisations which are not legal persons may be parties to the proceedings in cases determined by law.

Article 80 – Capacity to be a party to civil proceedings

1. All natural and legal persons in Georgia shall be able to enjoy civil procedural rights and duties (capacity to be a party to civil proceedings).

2. A natural person's capacity to be party to civil proceedings shall arise upon birth and end upon death.

3. A legal person's capacity to be party to civil proceedings shall arise upon its registration and end upon the registration of its liquidation.

Article 81 – Capacity to sue and be sued

1. All natural persons of full age and legal persons shall be able to exercise procedural rights in court and perform procedural duties, or authorise another person to represent them before court (capacity to sue and be sued).

2. A natural person shall acquire full capacity to sue and be sued from the age of 18 (age of majority), and a legal person shall acquire capacity to sue and be sued upon its registration. A person who gets married before attaining the age of 18 shall also be considered as having capacity to sue and be sued.

3. Rights and statutory interests of minors aged 7-18, as well as of citizens declared as persons with limited legal capacity shall be protected in court by their parents, adoptive parents or care givers. Further, a court shall be obliged to engage in these cases the minors themselves.

3^1. If, by a court judgment, a beneficiary of support has been granted support to exercise procedural representation, the court shall hear such a case with the mandatory participation of the beneficiary of support and his/her supporter.

4. A minor who enjoys a statutory right to administer his/her property, conclude minor everyday transactions, etc. independently and on his/her own, shall have the right to protect his/her interests and statutory interests in a court, be a plaintiff, defendant or a third party. A court may, on a motion of a minor or on its own initiative, engage the minor's legal representative in the proceedings.

5. Rights and statutory interests of minors shall be protected in a court by their legal representatives – parents, adoptive parents, or guardians. A court may, on a motion of a legal representative, engage the minor in the proceedings.

6. In the cases provided for under the legislation of Georgia, guardianship and custodianship authorities may apply to a court to protect the rights of minors and beneficiaries of support.

Law of Georgia No 2450 of 20 June 2003 – LHG I, No 20, 11.7.2003, Art.139

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 81^1 – Right of a minor to protection

In the cases provided by the legislation of Georgia, minors from the age of 14may apply to a court in order to protect their rights and legitimate interests. In that case, a court shall assign a procedural representative and hear the case. A minor plaintiff shall have the right to disagree with his/her procedural representative and defend himself/herself on his/her own. The court shall be obliged to engage guardianship and custodianship authorities in such cases.

Law of Georgia No 2450 of 20 June 2003 – LHG I, No 20, 11.7.2003, Art.139

Article 82 – Procedural representative of a legally incompetent party at a trial (procedural custodian)

1. If a claim has been filed against a legally incompetent party who has no legal representative, the court shall assign a procedural representative based on the plaintiff's application, and hear the case, if the failure to hear the case poses the risk of damage to the applicant.

2. If during the proceedings it is discovered that the claim has been filed by a legally incompetent plaintiff who has no legal representative, then until the assignment of a legal representative, a procedural representative may be assigned to the plaintiff in order to avoid delay in the proceedings.

Article 83 – Procedural rights of parties

1. Parties shall enjoy equal procedural rights. They shall be entitled to familiarise themselves with case material, make extracts from this material, make copies, appeal for recusals, submit evidence, including, conclusions of experts (expert institutions), certificates issued by specialists, participate in examining evidence, put questions to witnesses, experts, specialists, file motions to a court, provide a court with oral and written pleadings, present decisions delivered by other courts on similar cases, present their own conclusions and state their opinions on all issues arising during the review of a case, object to motions, conclusions and opinions of the other party, appeal court judgments and rulings, present an act of settlement at any stage of the proceedings and enjoy other rights granted to them under this Code.

2. A plaintiff may change the grounds for or the subject of the claim before the expiry of the preparatory stage for preliminary judicial review, supplement the circumstances and evidence indicated in the claim form, increase or reduce the amount of the claim; of which the court shall notify the defendant.

3. After the preparatory stage for preliminary judicial review of a case, the grounds or the subject of a claim may be changed only with a preliminary consent of the defendant. If such consent is given, the defendant may request to postpone the court hearing to another time.

4. Clarification, specification and supplementation of the circumstances indicated in the claim, also reduction of the amount of the claim, or claiming the granting of another item instead of the originally claimed one, or reimbursement of the cost of this item shall not be considered a change of the claim.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art.1

Article 83^1 – Withdrawal of an action by a plaintiff

1. A plaintiff may withdraw his/her action without renouncing his/her claim. The action may be withdrawn at any stage of the proceedings. An action may be withdrawn at the main hearing in a court of first instance, or during appeal and cassation proceedings, with the defendant's consent. If the defendant does not provide his/her consent, the court shall review and settle the case.

2. If the court satisfies the plaintiff's pleading for withdrawing the action, it shall dismiss the action without prejudice and return it to the plaintiff. In that case, the plaintiff will be reimbursed only for the state fees paid to the court concerned. At the same time, the plaintiff shall be obligated to reimburse the court costs incurred by the defendant. If the pleading for the withdrawal of the action is satisfied during an appeal or cassation proceedings, the court shall vacate the decisions of courts of lower instance.

Law of Georgia No 3435 of 13 July 2006– LHG I, No 32, 31.7.2006, Art.243

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art.1

Article 84 – Replacement of an ineligible plaintiff

1. A court that establishes during the hearing that the action has been filed by a person who is not entitled to make the claim, may with the consent of this plaintiff, replace him/her with the eligible plaintiff without terminating the proceedings.

2. If, despite this consent, the eligible plaintiff does not agree to replace the ineligible plaintiff, the court shall terminate the

proceedings on the grounds that the ineligible party renounced the claim.

3. If an ineligible plaintiff does not agree to be replaced by an eligible plaintiff, the eligible plaintiff may engage in the proceedings as a third party who will assert an independent claim on the subject matter of the dispute, of which the court shall notify this person. If this person agrees to engage in the proceedings as a third party, the court shall reject the action brought by the ineligible plaintiff due to its groundlessness, and shall satisfy the action on general grounds with respect to the plaintiff engaged in the proceeding as a third party.

4. If the eligible applicant who is to be engaged as a third party in the proceedings refuses to take part in the proceedings, the court shall refuse to satisfy the action of the ineligible plaintiff.

Article 85 – Replacement of the ineligible defendant

If during the proceedings the court establishes that the claim has not been filed against the person who is to be held liable under the claim, the court may, with the plaintiff's consent, replace the original defendant with the eligible defendant. If the plaintiff does not consent to replacing the original defendant with the eligible defendant, the court shall refuse to satisfy the plaintiff's action.

Chapter X – Joinder of Parties

Article 86 – Grounds for joinder of parties

1. A plurality of persons may jointly sue or be sued, if:

a) the subject of the claim is a common right;

b) the claims are based on the same grounds;

c) the claims are identical, regardless of whether their grounds and subject are identical.

2. Each plaintiff or defendant shall deal with their opponent as individuals at the trial.

Article 87 – Procedural rights of the joined parties

1. The joined parties shall enjoy all procedural rights granted to the parties under this Code.

2. The joined parties may entrust the pursuit of the proceedings to one of the joined parties, except when the joined party is a minor, or has a guardian or a custodian.

3. One of the joined parties shall be entrusted with the pursuit of the proceedings under Article 96.

Chapter XI – Third Parties

Article 88 – Third parties with independent claims

1. Each interested person who asserts an independent claim for the subject matter of a dispute or for its part, may file an action against both or either party before the parties start oral arguments (third parties with independent claims). An action of the third party shall be admitted and reviewed in accordance with general procedures. A decision on the claim of a third party and on the

claim of the original plaintiff shall be made simultaneously.

2. Third parties with independent claims shall have all the rights and duties of a plaintiff.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art.243

Article 89 – Third parties without independent claims

All interested persons who do not assert an independent claim for the subject matter of a dispute or its part, may apply to a court to allow him/her to intervene as a third party in the proceedings in support of the plaintiff or the defendant, on the grounds that the court decision on this case may subsequently affect his/her rights and duties with respect to one of the parties. Intervention of a third party to the proceedings shall be decided by the court, taking into consideration the opinions of the parties.

Article 90 – Engagement of a third party in the proceedings on the initiative of one of the parties

1. A third party without an independent claim may engage in the proceedings at the initiative of either party, for which the third party shall submit a reasoned request to the court. Such application may be made both in writing or orally before a court makes a decision. An oral application shall be entered into the minutes of the hearing. The court shall deliver a ruling on allowing or refusing the intervention of the third party in the proceedings, taking into consideration the opinions of the parties.

2. The court ruling refusing the intervention of a third party in the proceedings shall be appealed along with the judgment.

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art.376

Article 91 – Procedural rights of third parties

Third parties that do not assert independent claims for the subject matter of a dispute, shall have the same procedural rights and duties as parties to the proceedings, except for the rights to increase or reduce the amount of the claim, change the grounds or the subject of the claim, acknowledge the claim, renounce the claim or settle on the claim amicably, file a counterclaim and request enforcement of a court decision.

Article 92 – Procedural succession in title

1. If one of the parties no longer participates (death of a person, reorganisation of a legal person, assignment of the claim, transfer of the debt, etc.) in the disputed legal relations or in legal relations determined under a court decision, the court may allow this party to be replaced with its successor in title. Succession in title shall be allowed at any stage of the proceedings.

2. Before being admitted to the proceedings, the successor in title shall be required to take all actions that would have been required from the predecessor in title.

3. In the event of succession in title, the court shall suspend the proceedings under Article 279.

4. A complaint subject to a time limit may be filed against a court ruling replacing a party or refusing to replace the party with a successor in title.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 3435 of 13 July 2006– LHG I, No 32, 31.7.2006, Art. 243

Chapter XII – Representation in Court

Article 93 – Pursuit of proceedings through an attorney-in-fact

1. Citizens may pursue proceedings in court personally, and legal persons or other organisations – through an official who is authorised to act on behalf of the legal person or organisation under the respective regulations or statute.

2. Parties also may pursue proceedings in court through an attorney-in-fact. Pursuit of proceedings through an attorney-in-fact shall not deprive the parties their rights to participate themselves in the proceedings.

Article 94 – Persons who may act as representatives in court

1. The following persons may act as representatives of the parties in court:

a) advocates

b) employees of state and local authorities, employees of organisations – for the cases concerning those authorities and organisations

c) one of the joined parties – under the authorization of the other joined parties

d) other persons having legal capacity – only in a court of first instance.

1^1. A person who participated in the case as a mediator may not act as a representative in a court.

[1^1. A person who participated as a mediator in the same case or in another case essentially related to this case may not be a representative in a court. ***(Shall become effective from 1 January 2020)]***

2. If the value of the subject matter of dispute exceeds GEL 500 000 and/or the case in question is particularly complex in factual o legal terms, and the party to the civil proceedings is an executive agency, it shall apply to the Ministry of Justice of Georgia which is authorised to request appointment of a state employee and a public servant of the Ministry of Justice as a representative of this agency in the civil proceedings (except for disputes connected with the tax legislation or the customs legislation of Georgia). In that case, the executive agency may, with the consent of the Ministry of Justice of Georgia, grant the right of representation in the same proceedings to the public servant employed by that agency.

3. (Deleted – 30.11.2018, No 3811).

4. In the cases specified in paragraph 2 of this article, procedures and time limits for applying to the Ministry of Justice of Georgia, for circulation of case material and appointment of a representative shall be established by decree of the Minister of Justice of Georgia.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 1132 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 32

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 3.12.2010, Art. 414

Law of Georgia No 4463 of 22 March 2011 – website, 1.4.2011

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 4370 of 27 October 2015 – website, 11.11.2015

Law of Georgia No 162 of 21 December 2016 – website, 28.12.2016

Law of Georgia No 3811 of 30 November 2018 – website, 13.12.2018

Law of Georgia No 4921 of 28 June 2019 – website, 4.7.2019

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 95 – Persons who may not act as representatives in a court

Judges, investigators and prosecutors may not act as representatives in a court, unless they participate in proceedings as parents (adoptive parents), guardians, and custodians or as representatives of respective agencies.

Article 96 – Documenting the powers of an attorney-in-fact

1. Powers of an attorney-in-fact shall be set out in a duly issued and certified power of attorney. Powers of attorney issued by a citizen shall be certified by a notary or an organisation where the principal works or studies; or by the administration of an inpatient care facility where the citizen is placed for treatment; or by an appropriate military unit if the power of attorney is issued by a military servant. A power of attorney issued by a person placed in a penitentiary institution of the state sub-agency institution operating within the system of the Ministry of Justice of Georgia – the Special Penitentiary Service ('the Special Penitentiary Service') (' the penitentiary institution') shall be certified by the facility director.

2. A power of attorney on behalf of an organisation shall be issued by the head or other authorised person of the organisation.

3. An advocate's power shall be certified under the Law of Georgia on Advocates.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 2717 of 9 March 2010 – LHG I, No 12, 24.3.2010, Art. 54

Law of Georgia No 3531 of 1 May 2015 – website, 18.5.2015

Law of Georgia No 948 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 3139 of 5 July 2018 – website, 11.7.2018

Article 97 – Refusal of a court to accept as representatives the persons who are not advocates

1. A court may refuse to accept as a representative in the proceedings a person who is not an advocate if it finds that the representative does not have sufficient qualification to represent a party and protect its interests.

2. A court ruling on such refusal shall not be appealed. The actions taken by the procedural representative before his/her removal shall stay in force.

court ruling refusing to accept a person who is not an advocate as a representative may be appealed with a complaint subject to a time limit.

Decision of the First Panel of the Constitutional Court of Georgia No 1/1/186 – LHG IV, No 9, 20.2.2004, p. 2

Law of Georgia No 2270 of 16 December 2005 – LHG I, No 55, 27.12.2005, Art. 372

Article 98 – Power of attorney for proceedings

1. The power of attorney for proceedings shall entitle the bearer to take all procedural actions on behalf of the principal, except for filing a claim, referring a case to arbitration, waiving the subject matter of the litigation fully or in part, recognising a claim, changing the subject of a claim, reaching a settlement, appealing a court decision, submitting a writ of execution for payment,

receiving an awarded property or money. A representative's power for taking each action under this article shall be specially indicated in the power of attorney issued by the principal.

2. A person authorised by a party may entrust individual procedural actions to another advocate or to the advocate's assistant.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 99 – Termination of a power of attorney by a principal

At any stage of the proceedings, the principal may cancel the power of attorney issued by him/her, and terminate the powers of the attorney-in-fact, of which he/she shall notify in writing the court and the attorney-in-fact. Termination of the power of attorney at the initiative of the party shall not serve as grounds for suspension of the proceedings or for postponement of the case hearing. All procedural actions taken in keeping with the law by the attorney-in-fact whose power was terminated shall remain in force.

Article 100 – Termination of the power of attorney by the attorney-in-fact

At any stage of the proceedings, an attorney-in-fact may terminate the power of attorney agreement and shall, in a timely manner, notify the court, as well the principal, so that the principal is able to pursue the proceedings himself/herself and/or to designate a new representative. Taking this into account, the court shall specify the time when the attorney-in-fact may stop participating in the proceedings.

Article 101 – Legal representatives

1. Rights and statutory interests of legally incompetent citizens and of persons with limited capacity shall be protected in a court by their parents, adoptive parents, guardians and custodians who shall submit to the court documents certifying their powers.

2. Legal representatives shall, on behalf of the persons they represent, take all procedural actions the right to which have been granted to the representatives within statutory restrictions.

3. In cases where a party to the proceedings is to be a citizen declared missing according to law, the person who has been charged with the administration of the property of that person shall act as his/her representative in the proceedings.

4. In cases where a party to the proceedings is to be an heir of a deceased person or of a person declared dead according to law, provided no one accepted the inheritance, the person designated as a protector and administrator of the estate shall participate as the heir's representative.

5. Under this article, legal representatives may entrust the pursuit of legal proceedings to an advocate. This shall not deprive the legal representative the right to participate in the proceedings himself/herself.

Section Three

Judicial Evidence

Chapter XIII – Collection and Evaluation of Evidence

Article 102 – Burden of proof; admissibility of evidence

1. Each party shall prove the circumstances upon which it bases its claim or response.

2. These circumstances may be proved by the explanations of the parties (third parties), witness testimonies, fact-finding material, written or material evidence and expert findings.

3. The circumstances of the case that, according to law, require certain type of evidence, may not be proved by other type of evidence.

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 103 – Collection of evidence

1. Parties shall submit evidence to a court. The court may offer parties the opportunity to provide additional evidence.

2. If, for any reason, the parties fail to personally procure and submit evidence to the court, the court, on a petition filed by the parties, may itself request the evidence, irrespective of who may hold the evidence.

3. Evidence that has been obtained in violation of the law shall have no legal force.

4. The evidence submitted before the preparatory stage of a case is completed shall be attached to the case and they shall be reviewed and examined by the court under the procedure established by Article 225 of this Code. The court shall consider the issue of accepting the evidence submitted after the preparatory stage of the case is completed taking the opinions of the parties into account, by an oral hearing.

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 104 – Inadmissibility of evidence

1. A court shall not accept or request the production of or remove from the case evidence that is not relevant to the case.

1^1. A court shall not accept as evidence information or documents disclosed under the terms of confidentiality in a judicial mediation process, unless otherwise agreed between the parties.

1^2. The procedure under paragraph 1^1 of this article shall not apply if the information and documents disclosed under the terms of confidentiality in a judicial mediation process is submitted to a court by the party who disclosed it, or if the other party kept this information and/or document or obtained and submitted it to the court using other means determined by law.

2. A court shall deliver a ruling on inadmissibility of evidence, on refusal to request the production of evidence or on removing evidence from the case; the ruling may not be appealed separately.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 105 – Evaluation of evidence

1. No evidence shall have a predetermined weight for the court.

2. A court shall evaluate evidence according to its inner conviction based on comprehensive, full and impartial examination of the evidence, as a result of which it shall rule on the existence or absence of the circumstances that are essential to the case.

3. The ruling of the court shall set out the reasons underlying the court's inner conviction.

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art. 1

Article 106 – Facts that need not be proved

Parties need not substantiate by evidence such facts that do not require proof, although these facts are used to support their claims or responses. These facts include:

a) facts that are common knowledge with the court;

b) facts established by a final court judgment in one civil case, provided the same parties participate in the hearing of other civil cases;

c) (deleted).

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Article 107 – Court requests

1. If the evidence that is to be requested or examined by the court upon the petition of the parties, is in another city or district and it is not possible or if it is difficult to produce or examine it in the court hearing the case, the court may, under a reasoned ruling, charge the court for which it is more convenient in terms of territorial jurisdiction to take (examine) evidence.

2. A court ruling on a court request shall contain a brief description of the case at hand, circumstances to be established and evidence that the requested court is to take (examine), as well as time limits for the performance of the request.

3. Performance of a ruling on a court request shall be mandatory and shall be performed within the specified period.

Article 108 – Procedure for performing a court request

1. A judge shall perform a court request at its sole discretion.

2. All materials collected during the performance of the court request shall be immediately transmitted to the court hearing the case. If, under the court request, an on-site inspection is required, the requested judge shall notify the parties of the time and place of the on-site inspection; the failure of the parties to appear shall not impede the performance of the inspection.

3. If the parties or witnesses that provided explanations to or testified before the requested judge, shall appear at the court hearing the case, and give explanations and testimonies under a general procedure.

Chapter XIV – Perpetuation of Evidence

Article 109 – Motion on the perpetuation of evidence

1. A person who reasonably considers that it would be impossible or difficult for him/her to provide required evidence in the future, may request that the court perpetuate that evidence.

2. Evidence may be perpetuated before a claim is filed with a court.

Article 110 – Perpetuation of evidence before filing a claim with a court

The perpetuation of evidence before the claim is filed with a court shall be made by a judge or magistrate judge of the district (city) in the territory of which the procedural action for the perpetuation of evidence (examination of witnesses, of material evidence, etc.) is to be taken.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Article 111 – Application for the perpetuation of evidence

1. An application for the perpetuation of evidence shall be submitted to a court in writing. Such application may be submitted to a court orally during the hearing in court.

2. The oral petition for the perpetuation of evidence shall be included in the minutes of the hearing.

Article 112 – Content of an application for the perpetuation of evidence

Both oral and written petitions for the perpetuation of evidence shall contain:

a) evidence to be perpetuated

b) circumstances which are to be proved by the evidence

c) reasons that forced the applicant to request the perpetuation of evidence

d) name, surname and address of the opposite party, provided the application for the perpetuation of evidence has been submitted before the claim is filed with the court and the applicant is aware of the identity of the opposite party.

Article 113 – Court ruling on the perpetuation of evidence

1. A judge shall deliver a ruling on the perpetuation of evidence that contains the procedures and means for its execution.

2. A procedural action required for the perpetuation of evidence shall be taken under this Code.

Article 114 – Participation of a specialist in the perpetuation of evidence

To perpetuate evidence required for taking certain procedural actions, a judge may invite a specialist according to the procedures and grounds determined by Article 204.

Article 115 – Participation of parties in the perpetuation of evidence

1. Parties shall be notified of the time and place of the perpetuation of evidence, but their failure to appear shall not impede the performance of a procedural action required for the perpetuation.

2. In case of emergency, evidence may be perpetuated without notifying the parties.

Article 116 – Transmitting the material collected by the perpetuation of evidence to the court

1. Minutes and all materials collected by the perpetuation of evidence shall be submitted to the court hearing the case.

2. If evidence is perpetuated before a claim is filed with a court, the minutes prepared during the perpetuation and other material shall be kept at the court and later, at the request of the parties or at the court's own initiative, shall be transmitted to the court reviewing the case.

Article 117 – Repeated or additional perpetuation of evidence

1. The parties, regardless of whether or not they participated in the perpetuation of evidence, shall be entitled to express their opinions and point to the irregularities that, in their opinion, occurred during the perpetuation.

2. During a case hearing, a court may require additional or repeated perpetuation of evidence.

Article 118 – Procedure for reimbursement of costs incurred for the perpetuation of evidence

A person who petitioned the court for the perpetuation of evidence shall bear the costs incurred for the perpetuation of evidence. The opposite party may request reimbursement of costs incurred by it for participation in the perpetuation of evidence. The final amount of the costs shall be distributed between the parties when the court delivers the judgment on the merits of the case.

Article 119 – Appealing a ruling delivered on the perpetuation of evidence

A court ruling on the perpetuation of evidence may not be appealed. A ruling on the refusal to perpetuate evidence may be appealed with a complaint subject to a time limit.

Chapter XV – On-site Inspection

Article 120 – On-site inspection of material and written evidence

A court may, at the request of parties or on its own initiative, order an on-site inspection of the material and written evidence that cannot be submitted to a court due to certain reasons.

Article 121 – Court ruling on the on-site inspection

1. A court shall deliver a ruling on the on-site inspection that shall indicate the object, time and place of the inspection. This ruling may not be appealed.

2. The parties and their representatives shall be notified of the time and place of the on-site inspection; however, their failure to appear shall not impede the performance of the inspection.

3. If required, witnesses shall be called to participate in the on-site inspection.

Article 122 – Performance of on-site inspections

An on-site inspection shall be performed by a judge reviewing the case. If a case is heard by panel of judges, the presiding judge may charge one of the judges with conducting the on-site inspection. A court may request the Legal Entity under Public Law (LEPL) – the National Enforcement Bureau of the Ministry of Justice of Georgia to perform an on-site inspection for fact-finding

purposes.

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 123 – Participation of a specialist in on-site inspections

1. A court may invite a specialist to participate in the local inspection based on the grounds and procedures under Article 204.

2. A court shall deliver a ruling on the invitation of a specialist. The ruling may not be appealed.

Article 124 – Rights and duties of persons participating in the inspection

Parties, witnesses and specialists participating in the inspection may draw the judge's attention to certain circumstances that, in their opinion, are important for conducting the inspection effectively or for establishing the details that are essential to the case.

Article 125 – Content of the inspection report

1. A report (inspection report) shall be drawn up during an inspection. It shall indicate:

a) place and objects inspected

b) parties, witnesses and specialists participating in the inspection

c) opinions and remarks of persons participating in the inspection

d) findings of the inspection and examination.

2. Plans, drawings, pictures, etc. prepared or examined during the inspection, may be enclosed to the report.

Article 126 – Covering of expenses incurred as a result of the inspection

If the inspection incurs costs, the party that petitioned the court for the inspection, shall deposit the corresponding amount in advance. If the on-site inspection is performed at the initiative of a court, these expenses shall by covered by both parties.

Chapter XVI – Examination of the Parties

Article 127 – Examination of the parties

1. The process of establishing the circumstances that are essential to the case shall start by examining the parties (third parties, joined parties, legal representatives): The parties shall provide explanations on the circumstances of which they are aware and that are essential to the case.

2. The parties shall be entitled to put questions to the opposite party and its representatives without a preliminary permission of the court. The court shall grant permission only for the commencement of the procedure of putting questions. If a question is irrelevant or inappropriate, and does not contribute to the examination and establishment of the case details, the court may disallow such question at the request of the party or on its own initiative. A judge may rule that a question is irrelevant or inappropriate and disallow it at his/her sole discretion. When a case is heard by a panel of judges, the presiding judge shall have such right.

3. By decision of a judge, examinations of a party may be taken remotely from another court or administrative body by using a telephone, video equipment or other technical means or through Georgian diplomatic missions and consular offices abroad, provided the respective authority can identify the person at the place of examination.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 2110 of 20 November 2009 – LHG I, No 40, 7.12.2009, Art. 293

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012

Article 128 – Questions from judges

A judge may ask the parties such questions that will make it easier to fully and precisely establish the circumstances that are essential to the resolution of the case, to discover and submit supporting evidence, and to determine its trustworthiness.

Article 129 – Persons who may not be examined

The following persons may not be examined:

a) persons who, due to their physical impairment or mental disorder, are unable to correctly comprehend facts and give accurate testimony on them;

b) clerics, on the circumstances confided to them when hearing confessions;

c) officials to whom facts are entrusted by virtue of their office, the nature of which mandates their confidentiality, unless he/she has been released from the obligation to keep these facts confidential.

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 130 – Taking evidence in cases of failure of one of the parties to appear

Failure of either party to appear at a court session or refusal of the appearing party to provide evidence to the court shall not impede taking such evidence from the other party.

Article 131 – Admission

Acknowledgement (admission) by one party of the existence or absence of the circumstances that the other party uses to support its claims or response may be deemed by a court as sufficient evidence and used as a foundation for its decision.

Article 132 – Form of admission

A party may admit the existence or absence of circumstances that are essential to the case both orally and in writing, during the preparation period for the preliminary court hearing, or during the hearing in court. If the admission has been presented in writing, it shall be enclosed with the case file. Oral admission shall be included in the minutes of the hearing.

Article 133 – Extinguishing the admission by a party

1. A party may extinguish (revoke) its admission before the court makes a decision, if it proves that the admission was caused by an error and was conditioned by a circumstance of which it became aware after the admission, or by being subjected to mental or physical influence which excluded the expression of free will.

2. A court decision shall set out the reasons for the extinguishing the admission.

Chapter XVII – Written Evidence

Article 134 – Written evidence and procedures for its submission

1. Written evidence shall be acts, documents, business and personal correspondence that contain information on important circumstances about a case.

1^1. An electronic document under the Law of Georgia on Electronic Documents and Electronic Trustworthy Services, and the document confirmed and/or verified by an electronic signature provided for by Article 48 of the Organic Law of Georgia on National Bank of Georgia, and also by Article 19(4) of the Law of Georgia on Commercial Bank Activities, shall have the evidentiary value.

2. Parties shall submit written evidence to a court. If a party failed to obtain written evidence from a person who holds the evidence, it may petition the court to direct the person to produce the evidence.

2^1. A person who petitions the court to request the production of written evidence (from the person who holds the evidence) may also request identical documents (of similar type) from the party in question on the assumption that those documents may help establish the circumstances that are essential to the case; the documents need not include specific details.

3. A person petitioning the court to request the production of written evidence (from the person who holds the evidence) shall be obliged to specify which circumstances essential to the case can be established based on that evidence, and indicate why he/she assumes that the evidence is held by the person indicated by him/her.

4. A court shall substantiate its refusal to request the production of written evidence (from the person who holds the evidence) in its ruling that may not be appealed separately.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 27 of 18 June 2008 – LHG I, No 11, 4.7.2008, Art. 83

Law of Georgia No 2110 of 20 November 2009 – LHG I, No 40, 7.12.2009, Art. 293

Law of Georgia No 656 of 21 April 2017 – website, 10.5.2017

Law of Georgia No 1900 of 23 December 2017 – website, 11.1.2018

Article 135 – Submitting original copies of written evidence

Written evidence shall, usually, be provided in its original copy. If a copy of a document is submitted, a court may request submission of the original copy at the request of the parties or on its own initiative. A person may be released from the obligation to provide the original copy only if he/she can prove that such document cannot be provided due to a particular reason recognised by the court as valid. The court shall decide in its discretion on the evidentiary value it intends to accord to a copy of the document.

Article 136 – Obligation to provide written evidence to a court

1. Natural and legal persons shall provide the court with requested written evidence within the specified period. If they are not able to provide the evidence within that period, they shall be obliged to notify the court and indicate reasons for failure. If the reasons are valid, the court may grant additional time to the persons specified in this paragraph for providing evidence.

2. In the case of failure to notify, also if a court's request for the written evidence is not fulfilled due to an inexcusable cause, the court shall penalise the citizen or the head of the enterprise, establishment, organisation or official concerned with GEL 150.

3. The penalty does not exempt the person concerned from an obligation to provide the written evidence requested by the court.

4. In the case of repeated failure to provide written evidence, a court shall penalise the person in question by triple the amount of the original penalty.

5. If one of the parties, who does not deny that he/she holds the written evidence, refuses to provide the evidence with an inexcusable cause, the court may exempt the person petitioning the court for requesting the production of the evidence (from the person who holds the evidence) from the burden of proving the fact that he/she should have proved by this evidence, and impose this burden upon the party that refuses to provide the written evidence.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 137 – Statement on the falsity of a document

1. At the preparatory stage for a preliminary court hearing, a party may declare that the document provided is falsified. The party may make such statement also during a court session, if the document has been presented during this court session, or if, during the court session, he/she became aware of the falsity of previously submitted document.

2. The party that submitted the evidence may request the court to remove the disputed document from the list of evidence and make a decision on the case based on other evidence available for the case. If there is no such request, the court shall check the authenticity of the document. For this purpose, the court may have the document examined by experts, request additional evidence or request the production of other evidence (from the person who holds the evidence).

3. If the court concludes that the document provided is falsified, it shall remove it from the list of evidence.

4. Authenticity of the submitted written evidence may be checked at the court's initiative.

5. If the falsity of the submitted document has been confirmed, the court shall deliver a reasoned ruling and transmit this document, along with the proof of its falsity, to investigative authorities.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 138 – Submission of excerpts of written evidence and inspection of written evidence at the place of its storage

If submission of documents to a court is difficult, a court may request provision of duly certified excerpts or inspect and examine written evidence at the place of its storage.

Article 139 – Keeping and return of original documents

Original documents attached to a case file shall be kept together in the court. These documents may be returned to the person who provided them, at his/her request; however, copies of the original documents certified by the judge shall remain in the case.

Law of Georgia No 3435 of 13 July 2006– LHG I, No 32, 31.7.2006, Art. 243

Chapter XVIII – Witness Testimonies

Article 140 – Summoning a witness

1. Any person who is aware of any circumstances concerning the case may be a witness.

2. A witness may be summoned to court at the request of an interested party.

3. A party who petitions the court to admit or examine certain persons as witnesses, also to summon them to court, shall be obliged to indicate the name, surname and residential address of the witness, as well as the circumstances essential to the case that the witness can confirm.

4. A court may refuse to examine the summoned witness, or may refuse to summon a witness, if it establishes that the circumstances which the witness is expected to confirm are not essential to making a judgment on the merits of the case.

Article 141 – Persons who may not be examined as witnesses

The following persons may not be called and examined:

a) persons who, due to their physical impairment or mental disorder, are not able to correctly comprehend facts and give accurate testimony on them;

b) clerics – on the circumstances entrusted to them when hearing confessions;

c) representatives in civil proceedings and defenders in criminal proceedings – with respect to such circumstances of which they became aware in their capacity as representatives or defenders;

d) mediators – with respect to such circumstances of which they became aware in their capacity as mediators.

[d) participants of the mediation process – with respect to confidential information of which they became aware in the mediation process, or which essentially follows from the mediation process. ***(Shall become effective from 1 January 2020)***]

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 142 – Right to refuse to testify

1. The following persons may refuse to testify:

a) spouses of the parties;

b) close relatives – children, foster children, grandchildren, sisters, brothers, parents, adoptive parents, custodians, guardians, grandfathers, grandmothers;

c) persons who, due to their official status, are obliged to maintain confidentiality, unless they are released from this obligation.

2. Refusal to testify shall be allowed if the testimony may result in criminal prosecution of the witness or his/her close relatives, or if it may cause them material damage.

Law of Georgia No 1349 of 20 April 2005– LHG I, No 19, 28.4.2005, Art. 121

Law of Georgia No 753 of 4 May 2017 – website, 24.5.2017

Article 143 – Obligation to testify regardless of the right to refuse to give testimony

Regardless of the right to refuse to give testimony, a person shall be obliged to testify, if:

a) a transaction to which he/she was invited as a witness is to be verified;

b) issues related to the birth, marriage or death of a family member need to be clarified;

c) the person acted as a representative of one of the parties when establishing certain legal relations.

Article 144 – Obligation of a witness to substantiate his/her refusal to testify

A witness who refuses to give testimony shall substantiate his/her refusal. A court shall rule on whether or not the refusal of the witness to testify is lawful.

Article 145 – Obligation of a witness

1. A person summoned as a witness shall be obliged to appear in a court and give accurate testimony. If a witness fails to appear in a court with an inexcusable cause, he/she will be penalised with GEL 50. A court may order that the witness be brought to court by force.

2. A witness who refuses to testify or gives a deliberately inaccurate testimony may be subject to criminal liability.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 146 – Right of a witness

1. A witness may request reimbursement of the costs related to summons in the form required by law.

2. A court may order the party who requested the summoning of the witness to make an advance payment to cover the costs related to summoning and examination of the witness. In that case, the court shall summon a witness only after the party pays these costs.

Article 147 – Interrogation of a witness at his/her location

A witness shall be examined in open court. A witness may be examined at his/her location, if:

a) he/she is not able to appear before the court due to illness, old age, disability or other excusable cause;

b) it is more expedient to examine him/her at his/her location due the circumstances of the case;

c) several witnesses reside at the same location and their summons and examination would incur substantial costs;

d) in other cases – at a court's discretion.

Article 148 – Examination of a witness

1. Each witness shall be examined individually. Witnesses who have not testified yet may not be present in a courtroom. Examined witnesses shall remain in a courtroom until the end of the hearing and may not leave the courtroom without the court's permission.

2. Examination of a witness shall start with the establishment of his/her identity (given name, surname, residential address, work place, etc.). Then the court shall establish relationship of the witness to persons participating in the case and ask him/her to state before the court all circumstances of the case known to him/her personally.

3. A witness shall relate, in the form of a free narrative, everything that is known to him/her about those circumstances. Only afte that narrative may questions be put to the witness.

4. The party at whose initiative the witness or the party's representative is called shall be the first to put questions, then – the opposite party or his/her representative. The court shall decide whether or not a particular question is admissible.

5. A judge may put questions to a witness at any moment during the examination.

6. On the petition of a party or by decision of the judge, witnesses may be examined remotely under Article 127(3) of this Code, o which parties shall be notified in advance.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 149 – Repeated examination of witnesses; bringing witnesses face to face

A court may order, at the request of the parties or on its own initiative, that a witness be examined several times, also to bring witnesses face to face to identify contradictions in their testimonies.

Article 150 – Use of records by a witness

A witness shall testify orally, but, he/she may use records, if his/her testimony contains any digital or hard-to-remember data. These records may be enclosed in the case file on a petition of the parties or at a court's initiative.

Article 151 – Waiver of witness examination

The party may waive the examination of a witness who has been summoned for examination upon this party's petition. The other party may request the court that the witness appearing be so examined, and where such examination has already begun, that it be continued. In that case, the witness shall be examined.

Article 152 – Examination of minor witnesses

1. In the examination of witnesses up to the age of 14, or at the discretion of the court, in the examination of witnesses aged 14 to 18, a teacher of the witness, and if required, the parents, adoptive parents, guardians or custodians may also be summoned. These persons may put questions to the witness with the permission of the court.

2. The examination of a minor witness may, upon a ruling of the court, be conducted in the absence of either of the parties, when it is necessary for obtaining an accurate and truthful testimony. After the return to the courtroom, the party shall be informed of the testimony of the witness and given an opportunity to put questions to the minor witness.

3. A witness who has not attained the age of 16 shall leave the courtroom after the examination is over, except when the court

considers it necessary for a witness to stay in the courtroom.

Article 153 – Placing a witness under oath

1. A witness shall be placed under oath only when his/her testimony is significant to the settlement of the dispute between the parties and the court believes it to be expedient.

2. The witness shall be sworn in after his/her examination.

3. Persons who have not attained the age of 16 shall be sworn in.

4. Before placing a witness under oath, the court shall explain to the witness the importance of the oath and the criminal liability that may be incurred as a result of giving false testimony by intentionally taking a false oath.

5. When taking a religious oath, the judge shall address the witness with the following words:

'Swear before the almighty and omniscient God that you have told the truth with all your conscience and have not concealed anything'.

The witness shall reply:

'I swear. So help me God!'

6. Non-religious oath shall be taken in the following manner:

The judge shall address the witness:

'Swear that you have told the truth with all your conscience and have not concealed anything'.

A witness shall reply:

'I swear'.

7. If a witness refuses to take an oath due to his/her faith or other grounds, then he/she shall give testimony by providing an affirmation replacing an oath. This affirmation shall be provided in the following manner:

The judge shall address the witness:

'Do you affirm with all your conscience before the court that you have told the truth and have not concealed anything?'

The witness shall reply: 'Yes, I do'.

Chapter XIX – Material Evidence

Article 154 – Material evidence, procedure for requesting the production of material evidence (from the person who holds the evidence) and procedure for its submission

1. Material evidence is the items that make it possible to establish the circumstances that are essential to a case due to their quality properties or a mere fact of their existence.

2. The parties shall submit material evidence to the court. If a party fails to obtain material evidence from a person who holds them, the party may petition the court to request (the person who holds the evidence) to produce the evidence.

3. A person petitioning the court to request the production of material evidence (from the person who holds the evidence) shall be

obliged to indicate which circumstances essential to the case can be established by that evidence, describe that item and specify why he/she assumes that the person indicated by him/her holds the evidence.

4. The court shall substantiate in its ruling the refusal to request the production of material evidence (from the person who holds the evidence); the ruling may not be appealed separately.

Article 155 – A court to which material evidence is to be provided

Natural and legal persons shall provide the requested material evidence directly to the requesting court within the prescribed time limits. The court may also authorise the person who petitioned the court to request the production of material evidence to receive the evidence for the purpose of submitting it to the court.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Article 156 – Obligation to provide material evidence

1. Natural and legal persons shall be obliged to notify the court that they are not able to provide requested material evidence or to provide it within the time limits prescribed by the court. If the failure is due to an excusable cause, the court may set an additional term to those persons specified in this section to provide evidence.

2. In the event of failure to notify, or when the court's request for material evidence was not fulfilled with an inexcusable cause, the court shall penalise the natural person or the official of the legal person concerned with GEL 150.

3. The penalty shall not release the person in question from the obligation to provide material evidence requested by the court.

4. In the case of repeated failure to provide material evidence, the court shall penalise the person concerned with triple the amount of the original penalty.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14 5.1999, Art. 64

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art. 1

Article 157 – Refusal of a party to provide material evidence

If either of the parties, that does not deny that it holds the evidence, refuses to provide the evidence with an inexcusable cause, the court may exempt the person who petitioned the court to request the production of the evidence (from the person who holds the evidence) from the burden of proving the fact he/she should have proven by this evidence, and impose this burden upon the party that refuses to provide the material evidence held by it.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 158 – Examination of material evidence

1. Material evidence shall be provided to the parties (representatives). They may familiarise themselves with inspection reports. Parties may express their opinions on the material evidence or on the inspection reports.

2. At the main hearing, the parties may petition the court to order expert examination in order to examine the material evidence, provided this petition has not been filed with an excusable cause at the preparatory stage of the proceedings. This petition may not serve as grounds for postponing a case hearing.

3. A court may order expert examination on its own initiative in order to examine material evidence.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 159 – On-site inspection of material evidence

If it is difficult or impossible to submit material evidence to the court, the court may, at the request of the parties or on its own initiative, order on-site inspection of the evidence by its ruling. If a case is heard by a panel of judges, one of the judges may be charged with inspecting evidence on site. On-site inspection shall be performed under Chapter XV.

Article 160 – Safekeeping of material evidence

1. Material evidence shall be kept attached to the case file or deposited for safekeeping with an enclosed special description list to the court's storage facility for material evidences.

2. Items that cannot be delivered to a court shall be kept locally. They shall be described in detail, and even photographed, if required.

3. A court shall take measures in order to keep items in an unaltered condition.

Article 161 – Return of material evidence

1. After entry into force of a court decision, material evidence shall be returned to its provider or to the person to whom the court accorded this item.

2. Items that may not be in possession of citizens shall be transferred to an appropriate public enterprise, agency or organisation.

3. In individual cases, after being inspected and examined by a court, material evidence may be returned to its provider before the end of the proceedings, if the provider has filed a corresponding petition and if this petition can be satisfied without prejudicing the proceedings.

Chapter XX – Expert Reports

Article 162 – Ordering expert examinations

1. If a judge has no specialised knowledge of a matter related to the case at hand, the court may, on its own initiative, order an expert examination at any stage of the hearing, only if clarification of this matter is essential to deciding the case, and if it is impossible to make a decision without it. In that case, the court shall deliver a reasoned ruling.

2. The parties may arrange expert examination independently from the court. In that case, an expert's report shall be submitted to the court upon filing a claim or during the preparatory stage of the proceedings. When filing a claim (response), the party may request to be allowed a certain period of time for submitting an expert report.

3. A party may present an expert report during the main hearing only if it could not have been aware of the necessity to submit an expert report during the preparatory stage of the proceedings due to objective reasons, and if such grounds have arisen during the hearing, or if the party failed to furnish a relevant expert report at the preparatory stage of the proceedings due to valid reasons.

4. Failure of a party to submit an expert report may not serve as grounds for postponing the case hearing. A court may set certain

period of time for a party to submit an expert report.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 163 – Ruling on ordering an expert examination

1. A court shall deliver a ruling on ordering an expert examination; the ruling shall specify the issues that require an expert report, the persons appointed as experts, and the material furnished for examination to the expert. If required, a court shall appoint several experts to perform an expert examination.

2. When selecting experts, a court may take into consideration the opinions of the parties. The parties may designate persons who are suited to be examined as experts; however the court shall make the final decision on who is to be entrusted with an expert examination. The parties may reject for the reasons specified in Article 35 of this Code.

3. The parties may also submit to the court the questions that are to be clarified by an expert. The court shall make the final decision on the scope of the issues that require expert report.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 164 – Appointment of several experts

If several experts are appointed, they may consult each other. If experts share the same opinion, all of them shall sign one report. The expert, who disagrees with the other experts shall prepare a separate report.

Article 165 – Expert examination venue

A court shall determine the venue of an expert examination.

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art. 1

Article 166 – Procedure for performing an expert examination at a specialised expert institution

1. If an expert of a specialised forensic institution is charged by a court with performing an expert examination, the court shall send to this institution its ruling on the appointment of an expert examination, as well as material required for the examination.

2. After receiving a court ruling, the head of the expert institution shall entrust the performance of the expert examination to one or several employees of that institution.

3. Under the directions from the court, the head of the expert institution shall instruct the employees charged with performing the expert examination, about the rights and duties of an expert under Article 168, as well as the liability under the Criminal Code of Georgia for avoiding the provision of a report, for refusing to provide a report or for intentionally providing a false report. A signed statement to that effect shall be given by them and shall be submitted to the court along with an expert report.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 167 – Performance of an expert examination at a non-expert institution

If, by order of a court, an expert examination is performed at a non-specialised forensic institution, the court itself shall appoint an

appropriate person as an expert. The court shall hand over the ruling on the appointment of an expert examination and all materials required for the performance of the examination directly to the person appointed as an expert. When handing over the ruling, the court shall check an expert's identity, speciality and qualification, instruct the expert on his/her rights and duties under Article 168 of this Code, and warn him/her against the liability under the Criminal Code of Georgia for refusing to provide an expert report, for avoiding the provision of an expert report, or for intentionally providing a false report. All these issues shall be recorded in a court ruling on the appointment of an expert examination; the ruling shall be confirmed by the expert's signature.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 168 – Rights and duties of an expert

1. A person appointed as an expert shall be obliged to appear before the court when summoned and provide objective testimony on all the questions put to him/her.

2. If an expert fails to appear before the court with inexcusable cause, avoids the provision of a report or intentionally provides a false report, measures prescribed under the Criminal Code of Georgia shall be taken against him/her.

3. An expert may refuse to provide a report, if the material furnished to him/her is insufficient, or if he/she is not sufficiently qualified to complete the task. The expert shall be obliged to provide detailed justification or his/her refusal to provide a report based on the above grounds.

4. If, during the examination, an expert discovers circumstances that are essential to the case and with respect to which no questions were put to him/her, the expert may refer to these circumstances in the report.

5. To establish the circumstances related to the examination, an expert may study the case material, participate in the hearing, put questions to the parties and to the witnesses, take part in the inspection and examination of evidence, also request the court to provide additional material for him/her.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 169 – Collection of material required for performing an expert examination

1. The parties shall submit to the court the material required for an expert examination. The court shall determine the scope of the material required for an expert examination. The court may take into consideration opinions of both parties and of the expert.

2. If it is necessary to examine a witness to obtain material for an expert examination, the court may summon and examine the witness with the participation of the expert. The parties shall be notified about this; however, their failure to appear shall not impede the examination of the witness. A witness examined in this way shall not be released from the obligation to appear before the court and to be examined several times during the hearing.

3. A report on the interrogation of a witness shall be drafted and enclosed with the case file.

4. If a party fails to follow an expert's instructions with an inexcusable cause or otherwise interferes with performance of an expert examination, the position of an opposite party shall be deemed confirmed.

5. If an object of an expert examination is held by another person, and that person is taking actions under paragraph 4 of this article, a party may petition the court to order that person by court ruling to carry out the expert's instructions.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 170 – Form and content of expert reports

1. An expert shall provide a report in writing. A court may order the expert to appear before it to explain the written report. An oral explanation shall be included into the minutes of the hearing; it shall be read out to the expert and shall be signed by him/her.

2. An expert report shall contain a written description of the performed examination, conclusions drawn from the examination and substantiated responses to the questions put by the court.

Article 171 – Verification of an expert report; procedure for putting questions to an expert

1. The parties and their representatives may familiarise themselves with an expert report. At their request, the expert report may be made public at the court hearing. The parties may express their opinions and to ensure clarification and completeness of the testimony, they may put questions to the expert.

2. If an expert examination was requested by a party, the expert should be questioned first by the person who presented the expert report, and his/her representative. Experts appointed at a court's initiative shall be first questioned by the judge. The judge may put questions to the expert at any stage of the examination.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 172 – Evaluation of an expert report

An expert report shall not have mandatory evidentiary value for the court, the report shall be evaluated under Article 105; however, the court's refusal to accept the report shall be substantiated in its judgment or ruling delivered in the case.

Article 173 – Appointment of additional and repeated examinations

1. If an expert report is incomplete or insufficiently clear, the court may, on its own initiative, appoint an additional expert examination, provided the provisions under Article 162(1) apply.

2. If a court disagrees with an expert report due to the lack of grounds, also if findings of several experts contradict each other, the court may, on its own initiative, appoint a repeated expert examination and charge another expert or experts with its performance, provided the provisions under Article 162(1) apply.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 174 – Return of material of an expert examination to a court

An expert shall be obliged to return to the court all materials and documents used for the expert examination once the examination is over, or when required by the court, or if an examination is not to be performed.

Law of Georgia No 5669 of 28 December 2007– LHG I, No 1, 3.1.2008, Art. 1

Article 175 – Taking an oath by an expert

An expert shall take an oath before or after performing an examination. The oath shall be worded to the effect that the expert will perform the examination to the best of his/her knowledge and belief. If the expert has taken a general oath concerning the performance of a similar examination, then it shall be sufficient for him/her to invoke that oath. The same oath may also be referred to in the expert report.

Article 176 – Remuneration of an expert

1. An expert shall be remunerated under the legislation of Georgia.

2. If an expert considers that the costs preliminarily determined by the court will considerably rise compared to the value of the subject matter of dispute, or will significantly exceed the costs determined preliminarily, the expert shall be obliged to notify the court of this in due time.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Book Two

Proceedings in a Court of First Instance

Section Four

Action Proceedings

Chapter XXI – Proceedings before the Courts of First Instance

Article 177 – Institution of legal proceedings

1. Proceedings in a court of first instance shall be instituted by bringing an action and in the cases determined by this Code, by filing a claim.

2. A claim (an application) shall be made in writing, usually, in a typed form.

3. The claim shall meet the requirements of this Code and comply with the sample form approved by the High Council of Justice of Georgia, and shall be prepared according to the rules specified in the sample. The claim shall provide a complete and consecutive description of the plaintiff's views on each factual circumstance and evidence in the case.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 178 – Content of a claim

1. A claim shall include:

a) designation of the court with which the claim is filed;

b) the given name, surname (designation), main address (actual location), also an alternative address (if applicable), address of the workplace, telephone number, including the mobile number, email address and fax number of the plaintiff, of the plaintiff's representative (if the claim is filed by a representative), of the defendant, of a witness and of a person to be summoned to the hearing. The plaintiff or its representative may also indicate a contact person's details in the claim. It the claim is filed by a legal person, an individual entrepreneur or a representative (other than a legal representative), he/she shall be obliged to indicate an email address and a telephone number;

c) subject matter of dispute;

d) value of the claim;

e) specific facts and circumstances upon which the plaintiff's claims are based;

f) evidence proving the circumstances indicated by the plaintiff;

g) the plaintiff's claim;

h) legal grounds upon which the plaintiff's claims are based;

i) if applicable, the plaintiff's petitions:

i.a) requesting the court to order the defendant to provide the evidence that it holds and upon which the plaintiff's claims are based;

i.b) requesting the court to direct the agencies concerned to provide the court with all the written or material evidence that may prove the circumstances referred to in the claim, and that have been wrongfully denied to the plaintiff by them;

i.c) requesting the court to notify in a timely manner and summon to the hearing witnesses who are able to prove the circumstances referred to in the claim;

i.d) on who may be engaged in the proceedings as a joined party or as a third party;

i.e) other petitions;

j) a list of supporting documents;

k) a legitimate interest under Article 180 of this Code, provided an action for acknowledgement has been filed;

l) the plaintiff's opinion on consideration of the case without an oral hearing;

[m) the plaintiff's opinion on consideration of the dispute through judicial mediation. ***(Shall become effective from 1 January 2020)]***

2. A document confirming the powers of the representative shall be enclosed with the claim, if the claim is filed with the court by a representative.

2^1. A document (original copy) confirming the payment of state fees shall be enclosed with the claim.

3. The plaintiff shall be obliged to enclose with the claim all evidence referred to in the claim. If the plaintiff is not able to provide evidence together with the claim with an excusable cause, he/she shall be obliged to indicate this in the claim. The plaintiff may request reasonable time for providing evidence.

3^1. The number of the copies of the claim and enclosed documents submitted to court shall be the same as the number of the defendants.

4. The plaintiff or its representative (if the claim is filed by a representative) shall be obliged to specify in the claim its address and addressed of the defendant, witnesses and of other persons summoned to the hearing.

5. The claim shall be signed by the plaintiff or its authorised representative.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 179 – (Deleted)

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 180 – Action for acknowledgement

A claim may be filed to establish the existence or non-existence of rights or legal relationship, to recognise the authenticity of a deed or to establish that it is false, if the plaintiff has a legitimate interest in having such recognition established by a court judgment.

Article 181 – Action for future fulfilment of obligations

A claim may be filed for future fulfilment of obligations, if:

a) the claim does not depend on any counter-performance or if the date for its fulfilment is related to a calendar date;

b) the circumstances give rise to the justified concern that the debtor may avoid fulfilling his/her obligations in due time;

Article 182 – Consolidation or separation of several claims

1. Several claims of the plaintiff against one and the same defendant may be consolidated in one action, if the court hearing the case is competent for the entirety of the claims, irrespective of whether or not the claims are based on the same grounds.

2. The judge accepting the claim may direct that several claims brought in one complaint be heard in one or several separate proceedings, if he/she finds that a separate hearing of claims is more expedient.

3. The judge accepting claims may direct that claims filed by several plaintiffs or claims against several defendants, be heard in one or several separate proceedings, if he/she finds that a separate hearing of claims is more expedient.

4. If several claims pending with a court, whether involving the same or different parties, are similar and have legal ties among each other, the court may, on its own initiative or upon the petition of a party, consolidate these proceedings to be heard at the same time, if such consolidation will result in a more rapid and correct review of the dispute. The judge who was petitioned to consolidate the proceedings shall consolidate the proceedings pending with him/her or with another judge, with other proceedings pending with him/her, and deliver a reasoned ruling to that effect.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 183 – Registration of a claim (an application)

When a claim (an application) is filed with a court, the court's registry shall register the claim (the application), and hand over to the plaintiff (the representative) a set of documents (copies of the claim (the application) and of the enclosed documents) to be served on the defendant, if the action (the application) is filed against a legal entity. A claim (an application) shall not be registered if it fails to meet the following requirements related to its form (not its content):

a) it has not been filed in the form approved by the High Court of Justice of Georgia;

b) its form does not contain the details under Article 178(1)(a–d, g, j and l) of this of Code;

[b) the details under Article 178(1)(a–d, g, j, l) and/or (m) of this Code are not specified in its form; ***(Shall become effective from 1 January 2020)]***

c) a document (an original copy) confirming the payment of state fees is not enclosed with it (except when there is an indication in the motions field about the exemption from state fees, about the extension of the deadline for its payment or about the reducing of its amount);

d) it lacks some of the documents specified in the list of enclosed documents;

e) it lacks the document proving the power of the representative, where a claim (an application) is filed by a representative;

f) it is not signed;

g) the number of the submitted copies of the claim form (the application) and of the enclosed documents are not the same as the number of the defendants.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 184 – Serving the copies of the claim (an application) and of the enclosed documents on the defendant

1. Not earlier than 5 and not later than 14 days after submitting the claim (the application) to the judge, the persons under Article 183 of this Code shall be informed via a message sent to the telephone numbers and/or email addresses indicated by them or personally upon appearing in court, about the dismissal of their claim (an application) or about the service of the documents (the copies of the claim (the application) and of enclosed documents) on the defendant.

2. The time limit for appealing a ruling on dismissal of the claim (an application) shall commence after the ruling is served on the plaintiff, and if the ruling is not served, then on the day following the expiry of the term specified in paragraph 1 of this article.

3. In the case specified in paragraph 1 of this article, the plaintiff shall be obliged to ensure that the documents are served on the defendant by mail, a court courier or by a different service procedure agreed between the parties, or by email in compliance with Articles 70–78, within two months after the plaintiff was handed the documents. The documents shall be sent by email against the return confirmation of receipt returned electronically by the addressee.

4. If the defendant's location is unknown, or if it is impossible to serve the documents on him/her in any other way, the court may deliver a ruling on service by publication, based on the petition of the plaintiff.

5. The procedures under paragraphs 1-4 of this article shall not apply to persons under Article 46 of this Code, as well as to person in detention who have no representative. In that case, the court shall arrange the sending and service of the documents (copies of the claim action (the application) and of enclosed documents) on the defendant according to Articles 70–78 of this Code.

6. The procedures under paragraphs 1-4 of this article may apply to the persons specified in paragraph 5 of the same article only with their consent.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 6144 of 8 May 2012 – website, 25.5.2012

Article 185 – (Deleted)

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 186 – Dismissal of an action

1. A court may not admit an action not later than five days after it has been filed, if:

a) the claim is not under the jurisdiction of the court;

b) there is a court judgment or ruling on the waiver of the claim by the plaintiff, on the acknowledgement of the claim by the defendant or on the settlement between parties;

b[1]) there is a conciliation agreement confirmed by a notary in a notarial mediation;

b[2]) there is an order issued by the chairperson of the LEPL National Bureau of Enforcement of the Ministry of Justice of Georgia on debt recovery or on approving the terms of settlement with respect to the same case;

[b[3]) there is a mediation settlement agreement between the parties, according to which the parties agree that they will not apply to court until the specific deadline or the occurrence of a specific circumstance, – until the fulfilment of the conditions under this agreement, unless the plaintiff proves that he/she will suffer unrecoverable damage without judicial proceedings; ***(Shall become effective from 1 January 2020)]***

c) a dispute between the same parties, on the same subject and on the same grounds is pending in this or another court;

d) (deleted – 18.3.2015, No 3220);

d[1]) (deleted – 19.2.2015, No 3096);

e) the case is not under jurisdiction of this court;

f) (deleted – 20.3.2015, No 3340);

g) a person who is not authorised to pursue the proceedings, has filed the claim on behalf of the interested person;

h) the filed claim does not comply with the conditions specified in Article 178 of this Code (except for Article 178(1)(h-i) and Article 178(3), if the plaintiff has indicated an excusable cause for failing to submit evidence) and/or if there are no grounds for exempting the plaintiff from the payment of state fees, for postponing the payment or for reducing the amount of state fees.

2. The dismissal of the claim by the judge on the grounds specified in paragraph 1(e), (g) and (h) of this article shall not prevent th person from filing again the same claim with a court, provided those violations are rectified.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187 – Ruling on dismissing a claim

1. The judge shall deliver a substantiated ruling denying admission of the claim. If the reason for dismissal is the lack of jurisdiction of the court, the judge shall be obliged to specify in his/her ruling the court to which the plaintiff is to apply. The ruling shall also set out the methods for avoiding circumstances that impede the institution of the action.

2. The ruling on dismissing the claim shall be served on the plaintiff and the documents filed by the plaintiff shall be returned to him/her. If the grounds for denying the admission of the claim are identified after proceedings become pending, then based on those grounds, the court shall terminate the proceedings or leave the claim untried (Articles 272 and 275 of this Code). If the claim is left untied before the appointment of the main hearing, 70% of the state fees paid by the plaintiff shall be refunded to him/her, and if the claim is left untried after the main hearing, state fees shall not be refunded to the plaintiff.

3. A ruling denying the admission of the claim may be appealed with a complaint subject to a time limit.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Chapter XXI[1] – Judicial Mediation

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 187[1] – Judicial mediation

1. After a claim has been filed with the court, a case that falls within the jurisdiction of a judicial mediation may be transferred to a mediator (a natural or legal person) in order to conclude the dispute by a settlement between the parties.

[1. After a claim has been filed with the court, a case subject to judicial mediation may be transferred to a mediator to conclude the dispute by a settlement between the parties. ***(Shall become effective from 1 January 2020)]***

2. A ruling on referring the case to a mediator may not be appealed.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187[2] – Provisions that are to be applied to cases falling under the judicial mediation

The procedures of this Code shall be applied to cases that fall under a judicial mediation, taking into consideration peculiarities of this chapter.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

[Article 187[2] – Provisions to be applied to cases subject to judicial mediation

Procedures established by the Law of Georgia on Mediation shall be applied to cases subject to judicial mediation, considering the peculiarities of this Code. ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187[3] – Disputes falling under judicial mediation

1. A judicial mediation may apply to:

a) family disputes, except for disputes related to adoption, annulment of adoption, revocation of adoption, restriction of parental rights, deprivation of parental rights, and violence against women and/or domestic violence;

b) inheritance disputes;

c) neighbourhood disputes;

[c[1]) labour law-related disputes, except for a collective dispute under the Organic Law of Georgia the Labour Code of Georgia;

c[2]) disputes related to the exercise of co-ownership rights;

c[3]) property disputes, if the value of the subject of a dispute does not exceed GEL 20 000;

c[4]) disputes resulting from the loan agreements (including the loan agreements concluded in an electronic form) concluded by the bank institutions, micro-financial organisations and non-bank deposit institutions of Georgia, if the value of the subject of a dispute does not exceed GEL 10 000

c[5]) non-property disputes; ***(Shall become effective from 1 January 2020)]***

d) any other disputes – with the consent of the parties.

2. Under (1)(d) of this article, a dispute may be referred to a mediator at any stage of the hearing.

[3. In cases provided for in paragraph 1(a-c[5]) of this article, the judge shall preliminarily examine the circumstances of the case in question and shall make the decision to refer the dispute case to a mediator without the parties' consent, and with the parties' consent if the opportunity to apply private mediation was used in relation to the same dispute and it ended without result. ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 753 of 4 May 2017 – website, 24.5.2017

Law of Georgia No 767 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187[4] – Recusal of a mediator

A mediator may be recused on the grounds specified in Article 31(1) of this Code.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 187[5] – Period of judicial mediation

1. The period of a judicial mediation shall be 45 days, but at least two meetings.

2. The period specified in paragraph 1 of this article may be extended for the same period by agreement between the parties.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 187[6] – Consequences of a party's failure to appear for judicial mediation

1. The parties shall be obliged to appear at the time and place determined by the mediator in order to participate in the process of judicial mediation.

2. If a party fails to appear at the meeting in the process of judicial mediation appointed under Article 187[5](1) of this Code with an inexcusable cause, the party shall pay the court costs in full, irrespective of the outcome of the hearing, and a penalty of GEL 150.

3. If a dispute in the process of judicial mediation is concluded by an amicable settlement between the parties, the party shall not be charged with the payment of the penalty under paragraph 2 of this article.

4. Paragraph 2 of this article shall not apply, if the dispute between the parties is concluded by an amicable settlement at the hearing in court.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Article 187[7] – Ending of the process of a judicial mediation

1. If a dispute is resolved amicably between the parties within the statutory period established for judicial mediation, the court shall, on the petition of a party, deliver a ruling on the amicable settlement between the parties. The ruling shall be final and may not be appealed.

2. If a dispute is not ended amicably between the parties within the statutory period determined for judicial mediation, the plaintiff may file a claim according to a general procedure.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

[Article 187[7] – Ending of the judicial mediation process

1. When a dispute ends with an agreement between the parties within the statutory time limit set for judicial mediation, the issue of executing the mediation settlement agreement shall be solved in accordance with Chapter XLIV[13] of this Code.

2. If a dispute failed to end with an agreement between the parties within the statutory time limit set for judicial mediation, the plaintiff may apply to a court for resuming the proceedings.

3. If, within 10 days after the statutory time limit set for judicial mediation has passed, none of the parties applies to a court for resuming the proceedings under paragraph 2 of this article, the court shall deliver the ruling on dismissing the claim. ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187[8] – Confidentiality of the judicial mediation process

1. A judicial mediation process shall be confidential. A mediator may not disclose the information that he/she learned in his/her capacity as a mediator, unless otherwise agreed between the parties.

2. A party (a representative) may not disclose the information that was confided to him/her during judicial mediation, unless otherwise agreed between the parties.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

[Article 187[8] – (Deleted) *(Shall become effective from 1 January 2020)]*

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 187[9] – Cancellation of provisional measures

A court may cancel the applied provisional measures on its own initiative or on the petition of a party, unless the plaintiff files a claim according to general procedure within 10 days after the judicial mediation on the dispute specified in Article 187[3] of this Code is ended.

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

[Article 187[9] – (Deleted) *(Shall become effective from 1 January 2020)]*

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Chapter XXII – Counter-claim

Article 188 – Filing a counter-claim

1. The defendant may file a counter-claim against the plaintiff to be reviewed along with the original claim, starting from the day when a copy of the claim is submitted to the defendant until the end of the preliminary preparation for oral hearing.

2. If the defendant misses this period, it may file a counter-claim before oral argument starts, provided the counter-claim could not be filed due to an excusable cause until the end of the preliminary preparation for oral hearing. The circumstances under Article 215 (3) of this Code shall constitute an excusable cause.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 189 – Conditions for admitting a counter-claim

1. A counter-claim may be filed in the form established for filing a claim.

2. The judge shall admit a claim, if:

a) the counter-claim is filed to set off the original claim;

b) the satisfaction of the counter-claim in full or in part excludes the possibility of satisfying the original claim;

c) there are legal ties between the counter-claim and the original claim and if the dispute can be settled more quickly and properly if they are reviewed concurrently.

3. After the concurrent hearing of the original claim and the counter-claim, the court shall deliver one decision on both of them, except as provided under Article 245(2).

Article 190 – Postponing a hearing due a counter-claim

1. If a counter-claim is filed and admitted after the period for preliminary preparation of a case has expired, the hearing may be postponed for another time at the request of the plaintiff or on the court's own initiative.

2. The costs incurred by postponing the hearing shall be borne by the defendant who filed a delayed counter-claim.

Chapter XXIII – Provisional Measures

Article 191 – Application for provisional measures

1. A plaintiff may file an application with the court for provisional measures. The application must include the circumstances that will complicate or make it impossible to enforce the decision, or cause such irreparable or direct damage or damage that cannot be paid by imposing compensation for the damage on the respondent if provisional measures are not applied. The application must also include substantiation of the provisional measures that the plaintiff considers necessary to be applied to secure the claim. In the case of presence of any of the above-mentioned circumstances, the court shall deliver a ruling allowing provisional measures. The application of provisional measures shall be based on the judge’s assumption that the claim may be satisfied. A court decision on material and procedural pre-conditions shall not affect the final judgment of the court.

2. The application in which a person requests attachment of immovable assets shall be accompanied by a notice from the public registry or a corresponding document that confirms the title of the defendant to the immovable assets.

3. If the notice from the public registry referred to in paragraph 2 of this article or a corresponding document is not attached to the application for securing the claim, or if state fees are not paid, the court shall deliver a ruling on existence of defect, and set a period for the applicant to remedy the defect. If the defect is not corrected within the set period, the court shall render a ruling leaving the application untried. The ruling may be challenged with a complaint.

4. The provisional measures under this chapter shall not apply to financial collateral (subject matter of financial collateral arrangement) and settlement accounts of major system participant provided by the Law of Georgia on Payment Systems and Payment Services.

5. The provisional measures under this chapter shall not apply to the prize money defined in Article 3(j) of the Law of Georgia on Organising Lotteries, Games of Chance and Other Prize Games.

6. The provisional measures under this chapter shall not apply to the Centre’s separate account provided for in Article 9(8) of the Law of Georgia on Mandatory Insurance of Civil Liability of an Owner of a Motor Vehicle Registered in a Foreign State and Moving in the Territory of Georgia.

7. The provisional measures under this chapter shall not apply to an insurance broker’s own consumer’s account provided for in Article 16^{1}(4) of the Law of Georgia on Insurance.

Law of Georgia No 1827 of 30 June 2005 – LHG I, No 38, 15.7.2005, Art. 256

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 6313 of 25 May 2012 – website, 12.6.2012

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Law of Georgia No 5594 of 24 June 2016 – website, 7.7.2016

Law of Georgia No 1414 of 1 December 2017 – website, 8.12.2017

Law of Georgia No 1777 of 15 December 2017 – website, 28.12.2017

Law of Georgia No 4940 of 3 September 2019 – website, 9.9.2019

Article 192 – Application for provisional measures before filing the claim

1. In case of urgency, an application for provisional measures may be submitted before the claim is filed with the court.

2. If the court satisfies the application provided in paragraph 1 of this article, the claim shall be filed with the court within 10 days after the ruling is delivered. If the person applying for provisional measures does not file a claim within this period, the court shall on its own initiative or on the petition of the opposite party, deliver a ruling on reversing the measures ordered by it for securing the claim.

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art. 376

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 193 – Procedure for reviewing the application

Within a day after the application for provisional measures is submitted, the court reviewing the claim shall make a decision on this application without notifying the defendant.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 194 – Ruling on provisional measures

1. The court shall deliver a ruling allowing provisional measures, which shall comply with the requirements of Article 285 of this Code and specify the measures selected by the court. A ruling shall also specify the value of the claim on provisional measures.

2. The defendant may appeal the ruling allowing provisional measures. The appeal shall include:

a) the exact title of the ruling allowing provisional measures;

b) reference to the extent to which the ruling allowing provisional measures is to be reversed or modified;

c) circumstances due to which the ruling on provisional measures is to be reversed or modified.

3. The time limit for appealing the court ruling on provisional measures shall be five days. This time limit may not be extended and it shall commence once the ruling on provisional measures has been served on the defendant.

4. Filing an appeal shall not prevent enforcement of the ruling on provisional measures; however, the court may suspend the enforcement of provisional measures for some period or cancel the measures already taken.

5. If an application for provisional measures is not satisfied, the court shall deliver a ruling refusing provisional measures. When re-applying to the court on the same subject and on the same grounds, a ruling leaving the application untried shall be delivered. The ruling may be challenged with a complaint.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 1827 of 30 June 2005 – LHG I, No 38, 15.7.2005, Art. 256

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art. 376

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5594 of 24 June 2016 – website, 7.7.2016

Article 195 – Enforcement of a ruling on provisional measures

A court ruling on provisional measures shall be enforced immediately, according to the procedures prescribed for the enforcement of a court decision.

Article 196 – Replacement of one type of provisional measures by another

1. At the request of the parties, one type of provisional measures may be replaced by another.

2. The issues of replacement of one type of provisional measures by another may heard at any stage of the proceedings. The issue of replacement of one provisional measure with another shall be heard without oral hearing. The court may also order an oral hearing, if it is necessary and if it facilitates the establishment of details of the matter. If an oral hearing is ordered, the parties shal be notified of the time and place of the hearing; however, their failure to appear shall not prevent the court from reviewing and deciding the issue.

3. When provisional measure is required for securing a monetary claim, the defendant may deposit the money claimed by the plaintiff on the deposit account of the court instead of the ordered provisional measures.

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 196^1 – Replacement of a subject of provisional measures and delimitation of seized property

1. The value of seized property shall not significantly exceed the value of the claim, unless a defendant is the owner of a sole property. In such a case the defendant may offer to the court other property, equal to the value of the claim, for the replacement o the subject of provisional measures.

2. A defendant may also submit to court an application on granting consent for delimitation (division in kind) of the seized property.

3. The court shall review the issue of granting consent for the replacement of a subject of provisional measures and delimitation (division in kind) of the seized property within five days after submission of an application, at or without an oral hearing. In case of appointment of an oral hearing the time and place of the court hearing shall be notified to the parties, but the failure of the parties to appear at court shall not hinder the court to review the above issue and make a decision thereon within the time limit determined by this article.

4. If the court rules that the seized property may be delimited and the property, received as a result of the delimitation, is sufficient as a provisional measure, the court shall render a decision on granting consent for the delimitation of the seized property.

5. If the seizure of a defendant's property is subject to registration, the value of the provisional measure shall be included in the

registration data.

Law of Georgia No 5594 of 24 June 2016 – website, 7.7.2016

Article 197 – Appealing a ruling on provisional measures

1. An appeal may be filed against a ruling refusing the provisional measures, on cancelling the provisional measure, on the replacement of one provisional measure with another, on the replacement of the subject of the provisional measure, or on granting consent for the delimitation of the seized property. The time limit for appealing the ruling shall be five days. This time limit may not be extended, and the period shall commence once the ruling on provisional measures is served on the party.

2. An appeal filed against a ruling cancelling provisional measures, or against a ruling on the replacement of one type of provisional measures with another shall suspend enforcement of the ruling.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5594 of 24 June 2016 – website, 7.7.2016

Article 197^1 – Admission and hearing of a complaint by a court; referral of a claim and case material to a higher court

1. A complaint shall become pending with a court in accordance with the procedures prescribed under this Code for the court of corresponding instance.

2. If the court finds a complaint admissible and substantiated, it shall allow the complaint. Otherwise, the complaint along with the case materials shall be transferred to a higher court based on the court ruling within five days after the ruling is delivered. The court of appeals shall only be provided with the court ruling along with the certified copies of the case or electronic case materials, and the original case materials shall remain in court and the court shall proceed with the hearing under the common law procedure.

3. The time limit for hearing and deciding on a complaint shall not exceed 20 days after the complaint becomes pending.

4. The complaint shall be heard by a higher court according to the procedures provided in Articles 419 and 410 of this Code.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 198 – Provisional measures

1. The court, based on the application of the plaintiff, shall decide on provisional measures to be applied.

2. The provisional measures may include:

a) the attachment of the property, securities or money belonging to the defendant and held by the defendant or another person;

b) the injunction against the defendant to take certain actions;

c) the enforcement measure against the defendant to transfer to a bailiff in the form of sequestration (compulsory administration of property) the item in his/her possession; ***(The normative content of sub-paragraph (c) providing for the application of a provisional measure under the circumstances when an asset protected as a result of the provisional measure does not exceed the damages sustained by the opposing party as a result of the application of the provisional measure shall be invalidated)***

(The normative content of sub-paragraph (c) allowing authorisation of an interim trustee to define the editorial policy of a media unit shall be invalidated) – Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

d) the injunction against other persons to transfer property to the defendant, or perform any obligation towards the defendant;

e) the suspension of sale of the property, if a claim is filed on lifting the attachment from the property, except as determined under Article 70 of the Law of Georgia on Enforcement Proceedings;

f) the suspension of the operation of disputable acts of state authorities, local authorities, organisations or public officials;

g) (deleted);

h) (deleted);

i) the suspension of the execution of an enforcement document with regard to cases that have been initiated based on the Law of Georgia on the Relationships Arising from the Use of a Dwelling or with regard to which an application on reopening the proceedings has been filed.

3. A court may also apply other provisional measures. If necessary, several types of provisional measures may be applied. ***(The normative content of the first sentence of paragraph 3 providing for the application of a provisional measure under the circumstances when an asset protected as a result of the provisional measure does not exceed the damages sustained by the opposing party as a result of the application of the provisional measure shall be invalidated)***

(The normative content of the first sentence of paragraph 3 allowing authorisation of an interim trustee to define the editorial policy of a media unit shall be invalidated) – Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

4. For the purposes of liquidation of a commercial bank, a liquidator of the commercial bank shall be entitled to transfer the pledged accounts to another commercial bank and/or the National Bank of Georgia, in accordance with Article 37(14) of the Law of Georgia on Commercial Bank Activities.

Law of Georgia No 1827 of 30 June 2005 – LHG I, No 38, 15.7.2005, Art. 256

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5291 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 331

Law of Georgia No 212 of 15 July 2008 – LHG I, No 17, 28.7.2008, Art. 128

Law of Georgia No 1701 of 24 September 2009 – LHG I, No 29, 12.10.2009, Art. 184

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Record of session No 1/7/681 of the Preliminary Session of the Constitutional Court of Georgia of 13 November 2015 – website, 26.11.2015

Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Law of Georgia No 1900 of 23 December 2017 – website, 11.1.2018

Article 199 – Indemnifying damages incurred by the security of a claim

1. If the court assumes that the application of a measure of security of a claim may cause damage to the defendant, the court may apply the measure of security of a claim and at the same time, require that the person, who applied to the court for the security of a claim, provide the security for compensation of possible damages of the other party. The court may also order the provision of security based on the application of the opposite party.

2. In the case specified in paragraph 1 of this article, a person who has applied to the court for provisional measures shall provide

security for possible damages to the defendant within the time limit defined by the court, which must not exceed 30 days. Otherwise, the court shall immediately deliver the ruling to cancel the provisional measures, which is subject to appeal in the form of a complaint. The time limit for appealing the ruling shall be 5 days. This time limit may not be extended.

3. If the provisional measure applied turns out to be unfounded due to the fact that the plaintiff's claim was dismissed and the corresponding decision entered into force, or due to the fact that the court cancelled the provisional measure under Article 192(2) of this Code, then the party that has obtained its enforcement, shall be obliged to indemnify damages incurred by the other party as a result of the provisional measures been enforced.

[3. If the measure applied for securing a claim failed to justify itself due to the fact that the plaintiff's claim was dismissed and the decision entered into legal force, or due to the fact that the court cancelled the measure of security of the claim under Article 192(2) or Article 363^{30}(2) of this Code, then the party, which has benefited from the security, shall indemnify damages of the other party he/she has incurred as a result of application of the measure for the security of the claim. ***(Shall become effective from 1 January 2020)***]

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Decision of the Constitutional Court of Georgia No /6/746 of 1 December 2017 – website, 5.12.2017

Law of Georgia No 2115 of 4 April 2018 – website, 16.4.2018

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 199^{1} – Cancellation by the court of provisional measures

Where a claim is not admitted, dismissed, left untried, or the proceedings are terminated, the court shall, by its decision (ruling), cancel the provisional measures enforced; the decision (ruling) may be appealed in the form determined by law for appealing such decisions (rulings). If parties reach an amicable settlement, the court shall cancel the provisional measures, unless the parties agree otherwise.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Chapter XXIV – Preparation of Cases for Main Hearing

Article 200 – Purpose of the preparation of a case

1. If, after a claim has been admitted, the case is to be heard by one judge, the case shall be prepared by the judge, and if, in the cases under this Code, the case is to be heard by a panel of judges, then the case shall be prepared by one of the court members in order to expedite the hearing and ensure the completion of the hearing and proper settlement of the case in one hearing.

2. A judge, may task a judicial assistant with preparing a case for hearing.

Article 201 – Defendant's response (statement of defence)

1. After receiving copies of the claim and of the supporting documents, the defendant shall, within the time limit set by the court, file with the court his/her response (statement of defence) to the claim and to the questions raised in the claim; also the statement of his/her position regarding the supporting documents and shall provide the court with a document confirming that copies of the response (statement of defence) and of the enclosed documents have been sent to the plaintiff. The time limit set by the court shal

not exceed 14 days, and for complex cases the time limit shall not exceed 21 days. This period may not be extended, unless there is a reasonable cause. The response (statement of defence) shall meet the requirements of Article 177(2) and (3).

2. The written response of the defendant shall indicate:

a) the name of the court to which the response is submitted;

b) the first and family name (title), main address (actual location), also an alternative address (if applicable), address of a workplace, telephone number, including mobile number, email address and fax number of the defendant or of the defendant's representative (if a response (statement of defence) is filed by a representative), of a witness or of a person to be summoned to the hearing. The defendant or its representative may also indicate a contact person's details in the response (statement of defence). If the defendant is a legal person it shall be obligated to indicate an email address and a telephone number or if the defendant has a representative, (except for a legal representative), then the representative shall be obligated to indicate an email address and a telephone;

c) whether or not the defendant acknowledges the claim and which part of the claim;

d) if the defendant does not acknowledge the claim, those specific facts and circumstances on which his/her statement of defence is based;

f) evidence proving the circumstances indicated by the defendant;

g) procedural means that the defendant intends to use to defend itself against the action, in particular, whether he/she intends to file a counter-claim or objections concerning the admissibility of the claim;

i) the motions (if any) of the defendant:

i.a) to recuse a court or a judge, etc.;

i.b) person to be engaged in the proceedings as a joined party or as a third party;

i.c) witnesses to be summoned for the hearing;

i.d) other motions;

j) a list of documents enclosed with the response;

l) the defendant's opinion on consideration of the case without oral hearing;

[m) the defendant's opinion on consideration of the dispute through judicial mediation. ***(Shall become effective from 1 January 2020)]***

3. A document confirming the power of the representative shall be enclosed with the response, if the response is filed with the court by a representative.

4. The defendant, in its response (statement of defence), shall set out, in full and in order, its position concerning each factual circumstance and evidence referred to in the claim. If the defendant objects to any of the circumstances provided in the claim, it shall be obliged to indicate the reason and provide appropriate justification; otherwise, it shall be deprived of the right to take such action in the hearing on the merits of the case.

5. The defendant shall be obliged to enclose with the response all the evidence indicated in it. If the defendant is not able to provide evidence with the response due to an excusable cause, it shall be obliged to indicate accordingly in the response. Otherwise, the defendant shall be deprived of the right to provide evidence subsequently. The defendant may request reasonable time for providing evidence.

6. (Deleted – 28.12.2011, No 5667)

7. If a statement of defence is not filed within the time limit determined by the court, the judge may deliver a default ruling according to Chapter XXVI of this Code.

8. Upon filing the response, the defendant may declare that it agrees to receive written pleadings via email. In that case, the court

shall, as a rule, send the pleadings to the defendant via email.

9. The response shall be signed by the defendant or its authorised representative.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 202 – (Deleted)

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 203 – Actions taken by a judge to prepare a case

1. In order to prepare a case for main hearing, a judge may:

a) direct the parties to provide further information, and if necessary, to clarify the written pleadings submitted by them, and ask them to provide any items or documents essential to the case;

b) at the request of the parties, request evidence that the parties failed to obtain from various agencies or citizens;

c) decide whether or not to admit third parties and joined parties to the proceedings;

d) examine the evidence, if it will be hard to examine the evidence during the hearing of the case on its merits or if doing so will delay the hearing;

e) perform an on-site inspection;

f) issue court requests;

g) order measures for securing a claim;

h) appoint an expert examination; decide whether to invite an expert;

i) decide whether to invite a specialist;

j) summon witnesses, experts and specialists to appear at the hearing.

2. A judge may also take other actions that will facilitate preparation of the case for main hearing.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 204 – Inviting a specialist

1. When taking certain procedural actions (on-site inspection, examination of witnesses, perpetuation of evidence, preparation of plans and calculations, etc.), the court may invite a specialist.

1^1. A specialist may be invited from an appropriate agency. In that case, the head of the agency shall designate, by decree, one of its staff members to be sent as a specialist and shall notify the court.

2. A person invited as a specialist shall be obliged to appear in court, provide consultation and technical assistance to the court.

3. A specialist's oral consultation shall be recorded in the minutes of the hearing, and his/her written responses shall be enclosed with the case file.

Law of Georgia No 597 of 25 November 2004 – LHG I, No 37, 16.12.2004, Art. 173

Article 205 – Appointment of an advance first hearing

1. If, based on the submitted written pleadings, the judge reasonably assumes that the parties may resolve the case amicably, the defendant may acknowledge the claim or the plaintiff may renounce the claim, also, if in the judge's opinion, it is required for proper preparation of the case for hearing, the judge may appoint, within five days after receiving the written pleadings of the parties, an advance first hearing or a phone interview or video conference with the parties; the parties shall be notified within three days after the ruling is delivered. A phone interview or video conference with a judge shall be conducted by simultaneously adding the parties or their representatives to the call and shall be recorded in the minutes. If the parties have been notified of the phone interview or video conference according to the law and one of the parties or its representative cannot be contacted, the court may interview only the other party or its representative.

[1[1]. If, at the time of preparation of the claim/counter-claim provided for by Article 178(1)/Article 201(2) of this Code, a plaintiff/defendant refuses the dispute to be considered through judicial mediation, the judge shall, at the advance first hearing or during a telephone interview and/or a videoconference with the parties, find out the reason for the refusal and explain to the party/parties the benefits of consideration of a dispute through judicial mediation and its legal effects.

1[2]. If, at the time of preparation of the claim/counter-claim provided for by Article 178(1)/Article 201(2) of this Code, the parties express their consent to the consideration of the dispute through judicial mediation, the case shall immediately be referred to a mediator under the procedure established by Article 4(3) of the Law of Georgia on Mediation. ***(Shall become effective from 1 January 2020)]***

2. If there are grounds for holding a main hearing, the judge may transform the advance first hearing into the main hearing.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 206 – Obligations of the parties

To prepare a case, the parties shall be obliged to follow instructions of the judge. Failure to submit written pleadings or to take other actions without reasonable cause shall deprive a party of the right to take such action during the hearing of the case on its merits. Under this article, the judge may penalise a party with GEL 50 for failing to follow his/her instructions.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 207 – Decision on hearing the case at the main hearing

1. Within five days after receiving written pleadings of the parties, the judge shall set a main hearing to hear the case on its merits the parties shall be notified within three days after the decision is delivered. The judge shall appoint a day of hearing allowing the parties to prepare for oral argument.

2. The court may review the case without oral argument, provided the parties have consented; the court shall deliver a reasoned ruling about hearing the case without oral arguments. The court shall notify parties in advance of hearing the case without oral arguments.

3. With the consent of the parties, a hearing may be held, and the operative part of the decision may be announced by means of a video conference.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 208 – Ruling on the termination of the proceedings

1. If the plaintiff renounces the claim or the parties reach an amicable agreement at the advance first hearing, the judge shall deliver a ruling to terminate the proceedings. If an amicable agreement is reached, the court shall approve the terms of the agreement by this ruling. The same procedure shall apply at any stage of the judicial proceedings.

2. Termination of the proceedings on the above grounds shall result in the consequences envisaged under Article 273.

3. If the defendant acknowledges the claim at the advance first hearing, the judge shall deliver a decision satisfying the claim.

4. Before recognition of a claim, a defendant must submit a notice on public-law restrictions, certifying that a public-law restriction has not been registered on the subject matter of a dispute (property, intangible assets), which includes data valid as of the moment of recognition of the claim.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5159 of 3 June 2016 – website 17.6.2016

Article 209 – Termination of proceedings and dismissing a claim (application) without prejudice during the preparation of the case

If there are grounds specified in respective sub-paragraphs of Articles 272 and 275, the judge may terminate the proceedings during the preparation of the case for main hearing, or leave the claim (application) untried by delivering a reasoned ruling.

Chapter XXV – Main Hearing

Article 210 – Commencement of a main hearing

1. At the time appointed for the hearing, the judge(s) shall enter the courtroom. The judge, or the presiding judge, if the case is heard by a panel of judges, shall open the main hearing and announce the case to be heard.

2. A secretary of the hearing shall report to the court on who appeared from among the persons summoned to the hearing, also whether the persons who failed to appear were served with judicial summons according to Articles 70-78 of this Code, and on the

available information concerning the reasons of their non-appearance. The court shall establish the identity of the persons present and verify the powers of the representatives. The court may warn the participants of the proceedings and the attending persons about their obligation to follow the judge's instructions and about the measures that may be taken against those who disrupt order during the hearing. After that, the witnesses shall leave the courtroom.

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 211 – Binding nature of a judge's instructions intended to keep order

The parties, their representatives, witnesses, specialists, interpreters, as well as all citizens present in the courtroom shall comply with the established procedure and tacitly obey orders of the judge.

Article 212 – Responsibility for disrupting order in a court

1. Responsibility to maintain order in the court shall rest with the chairperson of the court, and in the case of the Supreme Court of Georgia, the order shall be maintained by the Deputy Chairperson of the Supreme Court of Georgia. The presiding judge shall be responsible for keeping order in the courtroom. He/she may limit the number of attendees at the hearing according to the number of seats available in the courtroom.

2. The court shall warn the parties that if they leave the hearing on their own initiative, a default ruling will be delivered against them.

3. In cases of disruption of order at the hearing, disobedience to an order of the presiding judge or disrespect towards the court, th presiding judge may, following deliberation in the courtroom, issue an order to penalise the participant of the trial and/or the person attending the hearing, and/or to expel him/her from the courtroom. If the expelled person continues to disrupt order, the bailiff shall accompany him/her out of the court building. At the same time, he/she may be penalised under this article or imprisoned.

4. If the expulsion order of the presiding judge concerns a representative, the hearing shall be postponed, except when several representatives were conducting the proceedings from the beginning. A court shall deliver a corresponding ruling on a lawyer's misconduct. The ruling shall be sent to the bar association.

5. A person shall be deemed expelled from the courtroom until the hearing on that case at the court of the same instance is over. Based on a party's reasonable petition, the presiding judge may allow the expelled person to return to the hearing.

6. Under the order of the presiding judge, the person disrupting order at the hearing, including the expelled person, shall be penalised in the amounts of GEL 50 up to GEL 500, for which a writ of execution shall be issued. If the person penalised continues to disrupt order, the presiding judge may immediately increase the amount of the penalty within the limits established under this paragraph.

7. If the action of a person attending the hearing is intended to disrupt the proceedings or shows explicit and/or gross disrespect towards the court (judge), participant or party to the trial, the bailiff shall, as instructed by the presiding judge, detain the person and prepare a detention report. At the same time, the presiding judge shall draw up an application describing the nature of the violation, and send it to the court (judge) authorised to issue the order. The person detained shall without undue delay, but not later than 24 hours, be presented before the court (judge) to which the application was sent and who is authorised to issue an orde on sentencing this person to imprisonment for up to 30 days. If the court establishes that this person has already been once sanctioned to imprisonment under this paragraph, it may order this person imprisoned for not more than 60 days. In a district (city) court which consists of two or more judges, the order shall be issued by the chairperson of the court, and if the violation was committed at the hearing in which the chairperson of the court was taking part, the order shall be issued by another judge designated by the chairperson. In a district (city) court which consists of one judge, the order shall be issued by the chairperson of the closest district (city) court. If the violation under this paragraph was committed during a hearing presided over by a magistrate judge, the order shall be issued by the chairperson of the district (city) court to which this magistrate judge belongs. In a court of appeal the order shall be issued by the chairperson of the court, and if the violation was committed at the hearing conducted with the participation of the chairperson of the court, the order shall be issued by the deputy chairperson or another judge designated by the chairperson. In the Supreme Court of Georgia, except for the Grand Chamber, the order shall be issued by the chairperson of one of its Chambers. During the hearing at the Grand Chamber of the Supreme Court of Georgia the order shall be issued by a

judge who did not take part in the hearing. If required, the detained person may be turned over to the police. If the order on imprisonment was issued against a participant in the trial, the hearing may be postponed by a specified period. The order shall be issued based on an oral hearing, immediately once the person detained is presented, but not later than 24 hours.

8. In the case of disrupting order in the court, showing disrespect towards the court or interfering with a court's proper functioning, a bailiff may detain the person disrupting order and shall draw up a detention report. The bailiff shall be obliged to immediately, but not later than 24 hours, present the detained person to the chairperson of the same court, or to the Deputy Chairperson of the Supreme Court, if the person is detained in the Supreme Court of Georgia. The chairperson of the court, or the Deputy Chairperson of the Supreme Court at the Supreme Court of Georgia, shall be authorised to immediately, but not later than 24 hours after the detained person was presented, apply the powers provided in this article against the person who committed the violation.

9. An order imposing a penalty and/or expulsion from a courtroom under this article shall be issued without an oral hearing and it may not be appealed.

(Paragraph 9, except for the normative content concerning the issuance of an order without oral hearing on expelling a person attending the hearing, has been declared invalid) – Decision of the Constitutional Court of Georgia No 2/2/558 of 27 February 2014 – website, 12.3.2014

10. When hearing a case on the imprisonment under this article, the court shall notify the detained person of the hearing time and location. The hearing shall not be postponed if the party fails to appear. The hearing shall start with the statement of the chairperson (judge) of the court, who shall state who may be sentenced to imprisonment, explain to the participants of the hearing their rights and duties, read out loud the application concerning the disruption of order, and hear the persons participating in the hearing. During an oral hearing, the violator or his/her defender shall be allowed to present to the court their views and explanations concerning the legality of detention and of the punishment. After listening to the parties, the chairperson of the court (judge) shall issue an order on imprisonment after deliberating in the courtroom. The court (judge) issuing the order shall immediately deliver a copy of the order to the contemner and send a copy of the order for enforcement to the authorities of internal affairs of Georgia. The period of detention shall be counted towards the total period of imprisonment.

11. An order on imprisonment shall take effect immediately and it may be appealed by the person who was sentenced to imprisonment within 48 hours after having been duly served with a copy of the order. An appeal submitted to the court shall immediately be sent to the appropriate court (judge). An order of the chairperson or the judge of the court of first instance shall be appealed to the chairperson of the court of appeal on a one-time basis. An order of the chairperson, the deputy chairperson or a judge of the court of appeal shall be appealed to the chairperson of the Chamber for Administrative Matters of the Supreme Court on a one-time basis. An order of the deputy chairperson of the Supreme Court of Georgia or of the chairperson of a Supreme Court's chamber (except for the Grand Chamber) shall be appealed to the Chairperson of the Supreme Court of Georgia on a one-time basis. An order of a judge issued with respect to the disruption of order in the Grand Chamber shall be appealed on a one-time basis to a judge who did not participate in the hearing. An appeal shall be reviewed without an oral hearing within a period that does not exceed 24 hours after its submission.

Note:

After the term determined under the legislation of Georgia for voluntary payment of the penalty expires, an additional penalty shall also be imposed on the person fined under this article:

a) in the amount of GEL 150 – if the penalty imposed is GEL 50-250;

b) in the amount of GEL 300 – if the penalty imposed is GEL 250-550;

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Decision of the First Panel of the Constitutional Court of Georgia No 1/3/393,397 of 15 December 2006 – LHG IV, No 42, 20.12.2006, p.1

Law of Georgia No 4209 of 29 December 2006 – LHG I, No 4, 12.1.2007, Art. 51

Law of Georgia No 5284 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 325

Law of Georgia No 2261 of 4 December 2009 – LHG I, No 41, 8.12.2009, Art. 305

Article 213 – Instructing an interpreter on his/her duties

1. The court shall instruct an interpreter on his/her duty to interpret the explanations, testimonies and statements of persons who have no command of the language of the legal proceedings, and to interpret for these persons the content of the explanations, testimonies, statements, and documents made public in court, as well as the content of court orders, rulings and judgments.

2. The court shall warn the interpreter that he/she shall incur criminal liability for deliberately incorrect interpretation.

3. If an interpreter does not appear before the court without reasonable cause or avoids fulfilling his/her duties, he/she shall be penalised with GEL 50.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 214 – Announcing the composition of the court and informing about the right to recuse

The chairperson (judge) shall announce the composition of the court, and also the identity of participating experts, specialists, interpreter, secretary of the hearing, and explain to the parties that they have the right to file a motion for recusal, unless such recusal was not announced at the preparatory stage of the case due to reasonable cause, or if the case is heard by another judge or another composition of the court other than the judge or the composition of the court that was dealing with the case during the preparatory stage of the hearing.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 215 – Reviewing motions and petitions of the parties

1. A motion during a court hearing shall be filed with the court in writing, except when a party files a motion during the hearing based on a new material circumstances. The motion shall set out reasons for recusal; it shall specify the request and the arguments relevant only to the circumstances that are directly connected with the request raised in the motion. Motions of the same kind shall be filed with a court concurrently. If the judge considers that the intent of the filing of the motion is to delay the trial, it shall dismiss the motion. If the judge considers that a party uses motions to delay the trial, it shall deprive the parties of the right to file motions, and proceed to the next stage of the hearing.

2. Motions and petitions of the parties or of their representatives for presenting new evidence or asking the court to request new evidence may be reviewed by the court only if, at the preparatory stage of the case, it was impossible for the party to produce the evidence, or of it could not have been aware of the evidence due to objective reasons, and the grounds for providing the evidence arose at the main hearing, or if a party failed to file corresponding motions and petitions at the preparatory stage of the case due to reasonable cause. In that case, the hearing may be postponed at the request of the parties or on the initiative of the court.

3. For the purposes of this Law, reasonable cause shall mean the failure of a party to file a motion or a petition due to illness or due to the death of a close relative or other extraordinary objective circumstances, which prevent the party from appearing before the court and/or from filing motions or petitions for reasons beyond his/her control. The illness shall be confirmed by a document signed by the head of a medical establishment. The document shall expressly indicate that the person in question is not able to appear at the trial.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 216 – Postponing and resuming a hearing

1. A hearing may be postponed only as provided by law, for a reasonable period. If a case cannot be examined completely or completed at the same hearing, if postponed, the hearing shall be resumed from the stage at which it was postponed. A court may also resume a hearing from the stage which it considers expedient. The parties shall be obliged to facilitate the conduct of the hearing in court within the set time limits.

2. If a witness, an expert or a specialist fails to appear, the court, after hearing the parties' opinions, shall deliver a ruling on resuming the hearing and on taking measures against persons who failed to appear, or on postponing the hearing. A hearing shall be resumed if the failure of persons to appear does not prevent comprehensive, complete and objective examination of the circumstances of the case.

3. If a hearing is postponed, the court shall appoint a new date for a court session and inform the persons attending the trial, who shall confirm this fact by their signature. The persons who failed to appear and the persons recently involved in the case shall be notified of the date of a new court session according to Articles 70-78 of this Code.

4. With the consent of the parties, the judge may hear a case and/or make a decision during non-working hours, including Saturdays, Sundays and official holidays.

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art. 376

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 217 – Commencement of a hearing

1. At the beginning of the hearing of a case on its merits the court shall first ask the parties whether they wish to resolve the case amicably, following which a judge shall report to the court on the case, briefly state the main circumstances set out in the claim and statement of defence, which shall be based on the case material. The judge shall state the facts on which the plaintiff's claim is based; the facts on which the defendant's statement of defence is based; the facts that are not disputed by the parties; and also the disputed facts, also the evidence presented by the parties and enclosed with the case. After reporting on the case, the judge shall ask the parties whether they wish to add and/or specify anything.

2. After hearing the report of the judge, the court shall first hear the explanations of the plaintiff and any third person acting on the plaintiff's side and then the explanations of the defendant and any third persons acting on the defendant's side.

3. The judge shall allocate a certain period of time to a party for the speech and/or for each stage the hearing. Under exceptional circumstances, the court may, based on the complexity of the case, allocate to a party additional time in such a way as to not delay the proceedings.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 217^1 – Hearing of civil cases that are under the jurisdiction of magistrate judges

1. Civil cases that are under the jurisdiction of magistrate judges shall be heard on an expedited basis.

2. The hearing of the case on its merits shall begin by the judge's report on the case that shall concern the disputed facts. After reporting on the case, the judge may ask the parties questions that facilitate the establishment of facts that are essential to the case and the examination of the evidence confirming those facts. The parties may, without the court's prior permission, put to the opposite party or its representative questions about the disputed facts. The court shall grant permission only for the commencement of a procedure for putting questions. Evidence need not be made public. The hearing shall be concluded by the parties' closing arguments and rebuttals.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 2110 of 20 November 2009 – LHG I, No 40, 7.12.2009, Art. 293

Article 218 – Actions taken by a judge to reconcile the parties

1. The court shall use its best efforts and take all measures provided by law to help the parties arrive at an amicable resolution of the dispute. To achieve an amicable resolution of the dispute, the judge may take a break during the hearing on its own initiative or on the petition of a party and listen only to the parties or their representatives in the absence of other persons.

2. The judge may point out potential outcomes of the dispute resolution and offer conciliation terms to the parties.

2^1. Before achieving an amicable resolution of a dispute, the parties must submit a notice on a public-law restriction, certifying that no public-law restriction has been registered on the subject matter (property, intangible assets), which includes data valid as of the moment of reconciliation of the parties.

3. The judge may suggest that the parties pursue mediation to conclude the dispute by an agreement.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 5159 of 3 June 2016 – website 17.6.2016

Article 219 – Making reference to new circumstances

1. During a hearing on oral argument the parties shall be restricted in providing new evidence or referring to new circumstances that have not been referred to in the claim or in the statement of defence or at the preparatory stage of the case, except where they were not provided in due time for a valid reason.

2. In the case specified in the first paragraph of this article, provision of new evidence or reference to new circumstances may not serve as grounds for postponing the hearing, except when it is impossible to examine the evidence in the courtroom due to the complexity and/or volume of the evidence, also when a party demonstrates to the satisfaction of the court that it needs time to present evidence refuting the new evidence, and the court considers that the evidence to be provided is essential to the case.

3. If the hearing is postponed, the court shall act according to Article 216.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 220 – Taking explanations from the person who appears before the court

If only one party appears at the hearing, the court shall take explanations from that party.

Article 221 – Questions of the parties

The parties may put questions to the opposite party and to its representative without a prior permission from the court. A court shall grant permission only for the commencement of a procedure of putting questions. If a question is irrelevant or inappropriate, and does not serve the examination and establishment of the case details, the court may disallow such questions at the request of a party or on its own initiative. The decision on the relevancy and appropriateness of the question or on whether or not to allow it may be taken by the judge at his/her sole discretion, or by the court, when the case is heard by a panel of judges.

Law of Georgia No 2110 of 20 November 2009 – LHG I, No 40, 7.12.2009, Art. 293

Article 222 – Questions of the judge

A judge sitting alone, as well as the chairperson or any member of a panel of judges may ask parties the questions that will help determine completely and precisely the circumstances that are essential to decide the case, to identify and present to the court evidence that confirms those circumstances, and to establish their authenticity.

Article 223 – Management of oral arguments of the parties

1. Oral arguments of the parties shall be managed by the court. The court may: open, conduct and terminate oral arguments; allow a party to make a statement; disallow a party to make a statement if does not concern the case and is intended to delay the trial, or if the party exceeds the time allocated for the statement; deprive anyone who disobeys the court of the right to make a statement; if necessary, set a time for a party to finish its statement, based on the interests of the case; make and pronounce decisions on the issues raised during oral arguments.

2. The court shall take measures under this Code to ensure comprehensive examination of a case, to prevent undue delay and complication of the arguments of the parties, and to make sure that the hearing ends as soon as possible, in one hearing and, if possible, without a recess.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5699 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 224 – Procedure for deciding matters related to modification of a claim by the plaintiff and filing of a counter-claim by the defendant

1. If a plaintiff changes the grounds or subject matter of a claim or increases the claim, the court shall act according to Article 83.

2. If a defendant files a counter-claim and a court admits it, the court shall act according to Articles 188-190.

Article 225 – Examination and inspection of the presented evidence

1. After hearing the explanations of the parties and of third persons, the court may inspect and examine the disputed evidence on the petition of a party or on its own initiative. Inspection and examination of written evidence shall not mean that its content is to be made public or read out loud at the hearing. When inspecting and examining evidence, the court shall ask parties to present their positions on the disputed evidence or on all the circumstances indicated in the evidence that are essential to the case. The court shall, under Article 104 of this Code, remove from the case the evidence and documents contained in the case file that are not relevant to the case.

2. The evidence the inspection and examination of which was not requested by the parties or by the court *ex officio*, shall be deemed studied.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 226 – Completion of the inspection and examination of evidence

Once the evidence has been inspected and examined under Article 225 of this Code, the court shall declare the examination of the

case completed, after which the arguments of the parties shall begin.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 227 – Closing arguments of the parties

1. Closing arguments shall consist of statements of the parties and their representatives.

2. The plaintiff and its representative shall open the argument, followed by the defendant and its representative. A third party that has filed an independent claim against the subject matter of the dispute in the proceedings that have already begun, and its representative, shall make statements after the parties. A third party that has not filed an independent claim against the subject matter of the dispute, and its representative, shall make statements after the plaintiff or the defendant, depending on in whose favour the third party acts in the case.

Article 228 – Rebuttals

1. After all participants present their closing arguments, they may make final statements regarding the arguments already made. The defendant and its representative shall enjoy the right to the closing rebuttal.

2. After the closing arguments the court retires (to its Chambers) to make a judgment, about which it shall announce to the persons present in the courtroom.

Chapter XXVI – Default Ruling

Article 229 – Non-appearance of the plaintiff

1. If the plaintiff to whom a notification has been sent under Articles 70-78 of this Code fails to appear at the hearing, the court, on the petition of the defendant, may dismiss the claim by default ruling.

2. If the defendant does not request a default ruling, the court shall deliver a ruling on dismissing the claim without prejudice, which will incur the consequences provided under Articles 276-278. If the defendant objects to the dismissal of the claim without prejudice, the court shall postpone the hearing. If the plaintiff fails again to appear at the hearing, the court shall enter a default ruling.

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 230 – Non-appearance of the defendant

1. If the defendant to whom a notification has been sent under Articles 70-78 of this Code fails to appear at the hearing, and the plaintiff files a petition for entering a default ruling, then the factual circumstances referred to in the claim shall be deemed proven.

2. If the circumstances referred to in the claim provide a legal justification for the claim, the claim shall be satisfied. Otherwise, the court shall refuse to satisfy the plaintiff's claim.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 231 – Non-appearance of both parties

If neither party to whom a notification has been sent under Articles 70-78 of this Code appear at the hearing, the court shall deliver a ruling on dismissing the claim without prejudice, which will incur consequences provided in Articles 276-278.

Article 232 – Refusal of the party appearing before the court to participate in the hearing

The party who refused to participate in a hearing shall be deemed to have failed to appear before the court even if it appeared in due time.

Article 232^1 – Consequences of the failure of the defendant to present his/her response (statement of defence)

If the defendant fails to present a response (statement of defence) within the time provided in Article 201(1)(b) of this Code due to reasonable cause, the judge shall enter a default ruling without an oral hearing. Furthermore, the judge shall satisfy the claim if the circumstances indicated in the claim provide legal justification for the claim; otherwise, the judge shall appoint a hearing of which the parties shall be notified under Articles 70-78 of this Code. If a hearing is held, evidence shall not be accepted from the defendant, and the court shall hear only the defendant's legal opinions concerning the claim.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 233 – Inadmissibility of delivering a default ruling

1. If a party fails to appear, the court may not deliver a default ruling, if:

a) the party who failed to appear was not summoned under Articles 70-78 of this Code;

b) the court has become aware of an force majeure or other events that might have prevented the party from appearing before the court in due time;

c) the party who failed to appear was not notified of the facts of the case in due time;

d) there are no preconditions for filing a claim.

2. In the event of one of the circumstances provided in paragraph 1(a), (b) and (c) of this article, the court shall set another date for the hearing and notify the party who failed to appear, and other parties to the case, and in the absence of the preconditions for filing a claim referred to in sub-paragraph (d), the court shall terminate the proceedings according to Article 272.

3. If the defendant fails to file a response (statement of defence), a default ruling may not be delivered provided that one of the circumstances of paragraph 1(b) and (c) of this article exists.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 234 – Content of a default ruling

The content of a default ruling shall comply with the requirements of Article 249, without formulating the reasoning part.

Article 235 – Sending of a copy of a default ruling

A copy of a default ruling shall be sent to a party within five days after it has been delivered.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 236 – Appealing a default ruling

The party against whom a default ruling was delivered due to his/her failure to appear at the hearing, also the defendant under Article 232^1 of this Code, may file an appeal with the court that delivered this ruling, requesting vacation of the default ruling and continuation of the proceeding.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 237 – Time limit for appealing a default judgment

Time limit for appealing a default judgment shall be 10 days. This period shall commence on the day when a copy of the default ruling is served on the party in the manner prescribed in Articles 70-78. The default judgment shall enter into force after the time limit expires.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 238 – Contents of an appeal

1. An appeal for revising a default ruling and for resuming proceedings shall include:

a) the name of the court that delivered the default ruling;

b) the name of the person who lodged the appeal;

c) the circumstances that confirm that non-appearance at the hearing or failure to file a response (statement of defence) was due to reasonable cause;

d) the request of the appellant concerning the extent to which the ruling is to be changed;

e) a list of material attached to the appeal.

2. An appeal signed by a party or its representative shall be submitted to a court in as many copies as the number of the parties to the case.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 239 – Actions taken by a court after a complaint is lodged

1. The judge having delivered the default judgment shall decide, without notifying the parties, whether or not to grant leave to the

complaint.

2. The judge shall deliver a ruling on granting leave to the complaint. The ruling shall indicate the day of a repeat hearing, of which he/she shall notify the parties. A complaint subject to a time limit may not be filed against this ruling.

3. If the court considers the complaint to be inadmissible, it shall deliver a corresponding ruling that can be appealed with a complaint subject to a time limit.

Article 240 – New judgment

1. A complaint shall be reviewed at a hearing. The failure of the parties to appear shall not impede the review of the complaint. If, following the review of the complaint, it turns out that the contested default judgment is to be cancelled the court shall cancel the default judgment by a corresponding ruling, after which the review of the claim shall begin.

1^1. If, following the review of the complaint, it turns out that the default judgment delivered under Article 232^1 of this Code is to be cancelled on the grounds that the response (statement of defence) was not filed due to reasonable cause, the court shall cancel the default judgment by a corresponding ruling and restore for the defendant the time limit established under Article 201(2) of this Code for filing a response (statement of defence).

2. If there are no grounds for cancelling the default judgment, the court shall deliver a ruling dismissing the complaint and upholding the default judgment.

3. A court ruling dismissing the complaint and upholding the default judgment shall be challenged along with the default judgment by an appellate remedy.

4. The costs incurred due to non-appearance shall be borne by the party that failed to appear, irrespective of whether it won the case in full or in part.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 241 – Grounds for cancelling a default judgment

A default judgment shall be cancelled and the hearing shall be resumed if there are grounds provided in Article 233, or if the party failed to appear due to other reasonable causes of which it could not have notified the court in due time.

Article 242 – A repeat default judgment

1. A party may not file an appeal requesting the cancelation of a default judgment if one default judgment has already been entered against it.

2. The repeated default judgment may be appealed only in a court of appeal.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Chapter XXVII – Court Judgment

Article 243 – Final judgment

1. The resolution of a court of first instance that decides a case on its merits shall be delivered by the court in the form of a judgment.

2. If a judgment is delivered by a panel of judges, it shall be taken by a majority of votes. None of the judges may abstain from voting. The presiding judge shall vote after the other judges. A judge disagreeing with the majority may formulate his/her dissenting opinion in writing. The dissenting opinion shall be enclosed with the case file, but it shall not be announced in a courtroom. The judges may not disclose the details of the discussion held during their deliberations.

3. If a judgment is delivered by a panel of judges, the decision shall be formulated by the presiding judge or one of the judges and shall be signed by all the judges contributing to the judgment, including by a judge with a dissenting opinion. If a decision is amended, a corresponding note shall be made and signed by the judges.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 244 – Issues that need to be resolved when delivering judgment

When delivering a judgment, the court shall evaluate the evidence and determine which circumstances that are essential to the case have been established and which have not yet been established; the court shall also establish which law is to be applied for the case at hand and whether a claim is to be satisfied.

Article 245 – Partial judgment

1. If one of the claims consolidated under one action, or one of the claims filed by several plaintiffs or against several defendants has been established and is ready for a decision to be taken, the court may, at the request of a party, deliver a partial judgment with regard to that claim.

2. The court may render a final judgment, at the request of an interested party, even in the cases where a counterclaim is filed, and where even when the claim or the counter-claim is ready for a decision to be taken.

Article 246 – Preliminary (interim) judgment

1. If a claim is disputed both on its merits and with regard to its value (amount), the court may make a preliminary judgment on the merits.

2. The preliminary judgment may be subject to the appellate remedies available. Once a preliminary judgment enters into force, it shall become prejudicial to the second judgment of the court that shall rule on the amount of the claim.

Article 247 – (Deleted)

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 248 – Scope of a court judgment

Under its judgment, a court may not award a party what that party has not claimed or award more than the party has claimed.

Article 249 – Content of a judgment

1. A judgment shall be composed of introductory, descriptive, reasoning and operative parts.

2. The introductory part of a judgment shall specify the time and place the judgment was delivered, the designation and composition of the court that delivered it, the secretary of the hearing, the parties, representatives and the subject matter of the dispute.

3. The descriptive part of a judgment shall briefly indicate the plaintiff's claim, the defendant's position concerning the plaintiff's claim, the circumstances established by the court, evidence upon which the court's findings are based, and reasons for which the court dismissed some evidence.

4. The reasoning part of a judgment shall provide legal aspects and laws on which the judgment is based.

5. The operative part of a judgment shall include a court's findings on satisfaction of the claim or on its dismissal in full or in part, a reference to the allocation of court costs, as well as to the time limits and procedures for appealing the judgment.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 250 – Preparation of the operative part of a judgment

If the parties request the court to deliver a judgment without setting out the reasons on which the judgment is based because they acknowledge the judgment and waive appellate remedies, the court may prepare only the operative part of the judgment. The judge shall ask the parties whether they wish the judgment to cite the reasons on which it is based and whether they intend to appeal it. If the parties waive appellate remedies, they shall confirm the waiver by their signatures.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 251 – Determining the procedure and time limits for enforcing a judgment; enforcement measures

If a court establishes a specific procedure and time limits for enforcing a judgment, or takes measures for enforcing a judgment, it shall make a corresponding reference in the judgment.

Article 252 – Judgment on enforcement of monetary claims against legal persons

When delivering a judgment on enforcement of monetary claims against legal persons, the court may, on a petition of the parties, specify the nature of the payable amount in the operative part of the judgment, and the bank account of the defendant from which the money is to be paid.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Article 253 – Judgment on awarding property or ordering the payment of an amount equivalent to its value

When awarding property in kind, the court shall indicate in its judgment the value of the property payable by the defendant, if the defendant does not have this property at the time when the judgment is enforced.

Article 254 – Judgment ordering the defendant to take specific action

1. When delivering a judgment ordering the defendant to take specific action that is not related to the transfer of property or money, the court may indicate in the same judgment that if the defendant fails to comply with the judgment within the set time limits, the plaintiff may take the above action with the defendant reimbursing necessary costs.

2. If the action in question may be taken only by the defendant, the court shall indicate in its judgment the time limits within which the judgment shall be enforced.

Article 255 – (Deleted)

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 256 – Judgment delivered in favour of several plaintiffs or against several defendants

1. If a judgment has been delivered in favour of several plaintiffs, the court shall indicate the portion that each of the plaintiffs is entitled to, or specify that the right to demand payment is joint and several.

2. If a judgment has been delivered against several defendants, the court shall indicate the portion that each of the defendants is to perform, or specify that their liability is joint and several.

Article 257 – Delivering a judgment

1. A judgment's operative part shall be announced following an oral hearing. A judge may pronounce a judgment's operative part without retiring to his/her chambers. If the case is complex, as an exception, a judge may postpone the pronouncement of a judgment's operative part for a reasonable time period, but for not more than one month. A judge shall deliver a reasoned ruling on this matter, notify the parties after the hearing is closed and determine the date on which the judgment's operative part is to be pronounced. The presiding judge or the judge who pronounced the judgment shall inform the parties of the procedure and time limits for its appeal. The presiding judge or the judge may also explain to the parties the content of the judgment and legal grounds on which the judgment is based.

2. Within 14 days after a judgment's operative part has been announced, the court shall prepare a reasoned judgment to be submitted to the parties.

3. For a court of cassation the period specified in paragraph 2 of this article shall be one month.

4. A court may deliver a reasoned judgment on the cases that are under the jurisdiction of magistrate judges, as well as on other cases at the request of the parties, which shall be recorded in the minutes of the hearing. In that case, the court need not prepare a judgment in writing. Upon request, the parties shall be issued excerpts of the minutes of the hearing. The authenticity of the minutes shall be confirmed by the presiding judge.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 257[1] – Delivering a judgment on cases for which appellate remedies are not admissible

With regard to cases that are not subject to appellate remedies the judge shall announce a judgment's operative part and at the same time explain the grounds on which the judgment is based, which shall take the stead of the judgment's descriptive and reasoning parts. The judge's explanations shall be included in the minutes of the hearing. In that case, the judge shall not be obliged to deliver a reasoned judgment.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 258 – (Deleted)

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 259 – Sending copies of the judgment to the parties

Not later than three days after filing an application, the parties shall receive copies of the court's judgment. The copies of the judgment shall be signed and stamped by a secretary of a court registry.

Article 259[1] – Serving a copy of the judgment on the parties

1. If a person authorised to appeal a judgment, is attending the announcement of the judgment, or if this person was informed, according to the legislation of Georgia, of the date of the announcement of the judgment, the party (its representative) intending to appeal the judgment shall be obliged to appear in court not earlier than 20 and not later than 30 days after the announcement o the operative part of the judgment and accept a copy of the judgment; otherwise, the time limit for appeal shall be calculated from the 30th day after the judgment has been announced. This time limit may not be extended or restored.

2. A court shall, under Articles 70-78 of this Code, ensure that a copy of the judgment is sent and delivered to the persons specifie under Article 46 of this Code, as well as to persons in detention who have no representative.

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 260 – Correcting inaccuracies and obvious computation errors in a judgment

1. A court may, at the request of the parties or on its own initiative, correct inaccuracies or obvious computation errors in a judgment. A decision to make corrections may be made at the hearing, provided that the court finds it expedient. Parties shall be notified of the time and place of the hearing; however, their failure to appear shall not prevent the court from hearing the issue of correcting the judgment.

2. A complaint subject to a time limit may be filed against a court ruling on making corrections to a judgment.

Article 261 – Supplementary judgment

1. The court delivering a judgment, may, on its own initiative or at the request of the parties, deliver a supplementary judgment, if:

a) the claim for which the parties provided evidence and explanations has not been decided;

b) the court that delivered the judgment on the entitlement, has not indicated the amount of the sum payable, the property to be transferred or the action that shall be performed by the defendant;

c) the court has not decided the distribution of court costs.

2. A supplementary judgment may be requested within 7 days after the judgment has been pronounced. This period may not be extended.

3. The court shall deliver a supplementary judgment at a hearing, about which the parties shall be notified; however, their failure to appear shall not impede the delivery of the supplementary judgment.

3^1. The issue under paragraph 1(c) of this article shall be reviewed without an oral hearing. A court may also order an oral hearing if it is necessary and facilitates the establishment of the circumstance of the matter. If an oral hearing is ordered, the parties shall be notified of the time and place of the hearing; however, their failure to appear shall not impede the court to hear and decide the issue.

4. A supplementary judgment may be contested in a court of appeal.

5. A court ruling on the refusal to deliver a supplementary judgment may be appealed with a complaint subject to a time limit.

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 262 – Interpretation of a judgment

1. To facilitate the enforcement of a judgment, the court that delivered the judgment may, at the petition of the parties or of an enforcement officer, provide an interpretation of the judgment without changing its operative part only when the contents of the judgment are unclear. An application for interpretation of the judgment may be filed if the judgment has not yet been enforced and if the time limits within which the judgment is to be enforced, have not expired. A court may make a judgment, without an oral hearing, on whether to provide an interpretation. If a hearing is order, the parties shall be notified accordingly; however, their non-appearance shall not prevent the court from hearing and deciding the issue of interpretation.

2. The court shall review the application specified in paragraph 1 of this article within one month after the application has been filed.

3. A complaint subject to a time limit may be filed against a court ruling concerning the interpretation of a judgment.

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art. 376

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 212 of 15 June 2008 – LHG I, No 17, 28.7.2008, Art. 128

Article 263 – Deferment of the enforcement of a judgment or its performance in instalments; changing the means and procedure for enforcement

1. At the request of the parties, the court that delivered a judgment on a case, may, taking into account the parties' material status and other circumstances, grant a one-time deferment of the enforcement of up to three months or order performance of the enforcement in instalments for a period of one year, or change the means and procedure for its enforcement.

2. The court may review applications of the parties without an oral hearing. If an oral hearing is to be held, the parties shall be notified of the time and place of the hearing; however, their non-appearance shall not prevent the court from making a judgment on this matter by a court.

3. A complaint subject to a time limit may be filed against a court ruling on the deferment of the enforcement of the judgment or on its performance in instalments, as well as on changing the means or procedure for the enforcement of the judgment.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Chapter XXVIII – Legal Force of a Court Judgment; Immediate Enforcement of a Judgment

Article 264 – Entry into force of a court judgment

1. A judgment of a court of the first instance shall enter into force:

a) upon announcement, provided it may not be appealed;

b) after the time limit for its appeal expires, in cases when the judgment may be appealed, unless it has already been appealed in a court of appeal;

c) after a court of appeal ruling, which upheld the judgment, enters into force under;

d) if after the judgment is announced, the parties waive appellate remedies in writing.

2. A judgment (ruling) of a court of appeal, unless it has been appealed, shall enter into force after the time limit for its appeal in the court of cassation expires, and if it has been appealed, after the case is heard in the court of cassation, unless the judgment (ruling) of the court of appeal has been cancelled. A judgment (ruling) of a court of appeal shall also enter into force if, following the announcement of the judgment (ruling), the parties waive in writing their right to appeal it in the court of cassation.

3. A judgment (ruling) of the court of cassation shall enter into force immediately, upon its announcement.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 265 – Cancelling or changing a judgment that has entered into force

The judgment that has entered into force may be cancelled or changed only in the circumstances and in the form provided in this Code.

Article 266 – Effects of entry into force of a judgment

After a judgment enters into force, the parties or their successors may not apply again to a court with the same claims on the same grounds, or dispute the facts and legal relationships established under a judgment in other proceedings.

Article 267 – Compulsory enforcement of a judgment

A judgment may be enforced only after it enters into force.

Article 267[1] – Procedure for hearing and deciding matters related to the enforcement of a court judgment

1. Matters related to the enforcement of a court judgment may be reviewed without an oral hearing. If an oral hearing is to be held, the parties shall be notified of the time and place of the hearing; however, their non-appearance shall not prevent the court from deciding the matter.

2. A decision shall be made in the form of a ruling. A complaint subject to a time limit may be filed against a court ruling on matters concerning the enforcement of a judgment.

Law of Georgia No 638 of 5 December 2000 – LHG I, No 48, 16.12.2000, Art. 138

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 267[2] – Reversal of the enforcement of a court judgment

1. If, after an enforced judgment has been set aside and a new judgment has been delivered dismissing the claim in whole or in part, or the proceedings are terminated or the claim is left untried, the plaintiff shall reimburse the defendant everything that the defendant has paid to the plaintiff under the set aside judgment.

2. A decision reversing the enforcement of the judgment shall be made on petition of the defendant, by the court that delivers a new judgment or ruling.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 268 – Judgments subject to immediate enforcement

1. At the request of the parties, the court may, in full or in part, order immediate enforcement of judgments on:

a) awarding alimony;

b) imposing payment to compensate the damage incurred by injury or other bodily harm, as well as by the death of a breadwinner;

c) awarding an employee not more than three months' salary;

d) reinstating to work a wrongfully dismissed or transferred employee;

e) (deleted);

e[1]) recovering the property from illegal ownership;

f) bills of exchange and cheques;

g) all other matters, if the delay of enforcement of the judgment caused by extraordinary circumstances may inflict substantial damage to the party requesting payment, or if the delay may make the enforcement impossible. ***(The normative content of sub-paragraph (g) providing for the immediate enforcement of a court judgment on transfer of disputed property under the circumstances when an asset protected as a result of this does not exceed the damages caused by a delay of enforcement has been invalidated)*** – Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

1[1]. A judgment delivered by a court of the first instance on contract-based disputes shall be enforced immediately, provided the same is explicitly required by the contract. In that case, the requirements of paragraphs 2 and 3 of this article shall not apply. Enforcement shall not be suspended either if a third party files a claim on the same subject matter of the dispute.

2. When allowing an immediate enforcement of the judgment, the court may request the plaintiff to ensure the reversal of the enforcement of the judgment if the court judgment is cancelled.

3. Immediate enforcement of a judgment shall not be allowed if it is impossible to precisely calculate the damage that could be

caused to the opposite party, due to which the other party will not be able to secure the enforcement.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5124 of 29 June 2007 – LHG I, No 27, 17.7.2007, Art. 258

Record of session No 1/6/675 of the Preliminary Session of the Constitutional Court of Georgia of 2 November 2015 – website, 13.11.2015

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Article 269 – Deciding the immediate enforcement of a judgment

The decision on immediate enforcement of the judgment may be taken at the same hearing at which the judgment (to be enforced) is delivered. If the issue of immediate enforcement of the judgment is not reviewed at that hearing, it shall be reviewed without an oral hearing. If an oral hearing is to be held, the parties shall be notified of the time and place of the hearing; however, their non-appearance shall not prevent the court from reviewing and deciding the matter. ***(The normative content of the second sentence providing for the review and resolution of an issue of immediate enforcement of the grounds under Article 268 (1)(g) of this Code has been invalidated)*** – Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Article 270 – Appealing a court ruling on immediate enforcement

A complaint subject to a time limit may be filed against a court ruling on immediate enforcement, which shall not suspend the execution of the ruling.

Article 271 – Ensuring the enforcement of a judgment

A court may ensure the enforcement of a judgment that has not been transferred for immediate enforcement according to the procedures provided for in Chapter XXIII. ***(The normative content providing for the application of a provisional measure under the circumstances when an asset protected as a result of the provisional measure does not exceed the damages sustained by the opposing party as a result of the application of the provisional measure shall be invalidated)***

(The normative content allowing authorisation of an interim trustee to define the editorial policy of a media unit shall be declared invalid) – Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Record of session No 1/7/681 of the Preliminary Session of the Constitutional Court of Georgia of 13 November 2015 – website, 26.11.2015

Decision of the Constitutional Court of Georgia No 1/5/675, 681 of 30 September 2016 – website, 11.10.2016

Chapter XXIX – Termination of Proceedings without Delivering a Judgment

Article 272 – Terminating proceedings

A court shall, on the petition of the parties or on its own initiative, terminate the proceedings if:

a) the court before which the action was brought is not competent according to law to review the case and the case is under the jurisdiction of another entity;

a[1]) there is no subject matter of the dispute;

b) there is a binding and final judgment or ruling delivered on a dispute between the same parties, on the same subject matter and on the same grounds;

c) the plaintiff renounced his/her claim;

d) the parties reached an amicable agreement;

[d[1]) a mediation settlement agreement was concluded; ***(Shall become effective from 1 January 2020)]***

e) following the death of one of the citizens who was a party to the case, or in the event of the liquidation of a legal person, succession in title is inadmissible due to the disputed legal relationships;

e[1]) there is a case under Article 281(a) of this Code;

f) (deleted – 18.3.2015, No 3220);

f[1]) (deleted – 19.2.2015, No 3096);

f[2]) when reviewing an application for declaration of a person as a beneficiary of support, the opinion issued by a Legal Entity under Public Law – the Levan Samkharauli National Forensics Bureau is negative;

g) in other cases as determined by law.

Law of Georgia No 223 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 82

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 5665 of 28 December 2011 – website, 11.01.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 272[1] – Terminating proceedings based on the application of a party

If the parties have concluded a contract, or the parties have agreed to refer a dispute between them for settlement in arbitral tribunal, a court shall terminate proceedings based on the application of any party. The application shall be submitted before the time limit for filing a counter-claim expires.

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 273 – Ruling on the termination of proceedings

1. Proceedings shall be terminated by a court ruling. If the proceedings have been terminated because the case is not under the jurisdiction of courts according to law, the court shall be obliged to refer the plaintiff to the entity to which the plaintiff is to apply.

2. If proceedings are terminated, another claim concerning the same parties, the same subject and the same grounds may not be filed with the court.

Article 274 – Appealing a ruling on the termination of proceedings

A complaint subject to a time limit may be filed against the ruling on termination of the proceedings.

Article 275 – Dismissing a claim without prejudice

1. A court shall, on the application of the parties or on its initiative, dismiss a claim without prejudice, if:

a) (deleted – 20.3.2015, No 3340);

b) the claim (application) has been filed on behalf of the interested person by a person who is not authorised to pursue the proceedings;

c) the plaintiff (applicant) has not appeared at the hearing and the defendant agrees that the claim (application) be dismissed without prejudice;

d) none of the parties have appeared;

e) another case between the same parties, on the same subject and on the same grounds is pending in the same or another court;

f) a petition of the plaintiff on withdrawing the claim and the enclosed documents has been satisfied;

g) there is a case provided in Article 281(a);

h) within the time limits prescribed under Article 184(3) of this Code the plaintiff fails to present a document confirming the service of summons on the defendant or a petition requesting public service of the summons on the defendant;

i) after a petition on the reduction of the amount of state fees has been satisfied, the plaintiff does not present a document confirming the payment of state fees within the time limit set by the court;

[j) none of the parties applies to a court for resuming the proceedings under Article 187^2(2) of this Code within 10 days after the statutory time limit set for judicial mediation has passed. ***(Shall become effective from 1 January 2020)]***

2. A court may dismiss a claim without prejudice, if the plaintiff incorrectly indicated its or the defendant's address in the claim.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 276 – Appealing a court ruling on dismissing a claim without prejudice

If a claim (application) is left untried, the proceedings shall be terminated by court ruling, which may be challenged by a complaint subject to a time limit.

Article 277 – Establishing a limitation period when dismissing a claim without prejudice

If a claim (application) is dismissed without prejudice, the limitation period shall not be interrupted.

Article 278 – Re-filing a claim that has been dismissed without prejudice

If the circumstances based on which a claim was dismissed are eliminated, the interested person may reapply to the court under general procedures.

Chapter XXX – Suspending Proceedings

Article 279 – Obligation of a court to suspend the proceedings

A court shall be obliged to suspend the proceedings in the following circumstances:

a) upon the death of a citizen, if the disputed legal relationship allows succession in title, or when the legal person that is a party to the case ceases to exist;

b) if the court finds that a party is a beneficiary of support and the support has been established for him/her for exercising procedural representation, but the support has not been received;

c) when the defendant serves in the active units of the Defence Forces of Georgia, or at the request of the plaintiff serving in the same kind of units;

d) when the dispute depends on the decision delivered in another dispute that is pending in a civil court or in an administrative agency;

d^1) if the case is reviewed by the Commission on Restitution and Compensation commission or a Committee of the Commission;

e) in the cases provided in Article 6(2);

f) if in the case provided in Article 187^3(2) of this Code, the dispute has been referred to a mediator with a view to concluding the dispute by agreement between the parties.

[f) if, on the basis of Article 187^3 of this Code, the court refers the case to a mediator with a view to concluding the dispute by agreement between the parties, and/or if there is a mediation settlement agreement between the parties, according to which the parties agree that they will not apply to court until the specific deadline or the occurrence of a specific circumstance, unless the plaintiff proves that he/she will suffer unrecoverable damage without judicial proceedings. The defendant shall make an announcement regarding the mediation settlement agreement before the time limit for filing a counter-claim expires; ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 4287 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 446

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 3608 of 31 October 2018 – website, 21.11.2018

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 280 – Right of a court to suspend the proceedings

A court may, on the application of the parties or on its initiative, suspend the proceedings, if:

a) a party is in basic military service or has been called up for performing some state duties;

b) a party is on a long-term official visit;

c) a party is in a medical care facility or is ill, because of which it is not able to appear in court, and this fact is confirmed by a certificate issued by the medical care facility;

d) a search for the defendant has been announced in the cases provided by law;

e) the court has ordered an expert examination.

Article 281 – Time frames for suspending the proceedings

The proceedings shall be suspended:

a) in the case provided in Article 279(a) of this Code, for a reasonable period but for not more than one year. If, following the death of the plaintiff, a successor in title is not engaged in the proceedings, the claim will be dismissed without prejudice. Appeal and cassation claims filed by the plaintiff shall also be dismissed without prejudice. Upon the death of the defendant, the plaintiff shall be obliged to designate the defendant's successor in title (the person who received the inheritance, or in cases of heirless property, the state agency or the relevant organisation or other successor in title). If it is discovered that there is no estate, the proceeding shall be terminated. On the plaintiff's substantiated motion the court may extend the one-year term for not more than six months;

a^1) in the case specified in Article 279(b) of this Code – until an appropriate support is received;

b) in the cases specified in Article 279(c) and Article 280(a),(b),(d) and (e) of this Code – until the party returns from the Defence Forces of Georgia, fulfils his/her state duties, returns from an official visit, or until the defendant is found or until an expert examination is completed;

c) in the case specified in Article 279(d) – until the entry into force of a court decision, sentence, ruling, resolution, or until an administrative agency delivers a decision;

c^1) in the case specified in Article 279(d^1) of this Code – until the Commission or its Committee makes a corresponding decision;

d) in the case specified in Article 279(e) – until the Constitutional Court makes a decision;

e) in the case specified in Article 280(c) of this Code – for not more than two months; upon the expiry of this period, the party shall be obliged to appoint a representative and the court may resume the proceedings;

f) in the case specified in Article 279(f) of this Code – until the period for judicial mediation expires.

[f) in the case provided for in Article 279(f) of this Code – until the end of mediation. ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5550 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 3608 of 31 October 2018 – website, 21.11.2018

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 282 – Appealing a court ruling

A ruling on suspending the proceedings may be contested by a complaint subject to a time limit, except as prescribed in Article 280(e) of this Code.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 283 – Resuming the proceedings

The proceedings shall be resumed after the circumstances that resulted in the suspension of the proceeding have been eliminated. After the resumption of the proceedings, the case shall be heard according to general procedures.

Chapter XXXI – Court Ruling

Article 284 – Delivering a ruling

1. The court ruling that does not decide the case on its merits shall be made in the form of a ruling.

2. The court ruling delivered by a judge sitting alone shall be signed by the judge, or if the ruling has been delivered by a panel of judges, then it shall be signed by all the judges.

3. If a ruling has been delivered by the court without retiring to Chambers, it shall be recorded in the minutes of the hearing.

4. A ruling delivered by the court without retiring to Chambers shall be announced as soon as it is taken. The presiding judge or the judge who delivered the ruling shall explain its content, as well as provide information on the procedure and time limits for appeal, which shall be included in the minutes of the hearing.

5. The presiding judge or one of the judges shall deliver the operative part of the ruling after the deliberation in the Chambers. The presiding judge or the judge who delivered the ruling shall explain its content, as well as provide information on the procedure and time limits for appeal.

6. Within 14 days after the ruling's operative part has been announced, the court shall prepare a reasoned ruling to be submitted to the parties.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 285 – Content of a ruling

A ruling shall include:

a) the time and place of delivering the ruling;

b) the designation and composition of the court delivering the ruling, and the name of the secretary of the hearing;

c) the parties and the subject matter of the dispute;

d) the issue on which a ruling is to be delivered;

e) the reasons and the laws on which the ruling is based;

f) the resolution of the court;

g) the procedure and time limits for appealing the ruling.

Article 286 – Submitting copies of the ruling to the parties

Copies of the ruling on terminating the proceedings, on leaving the claim untried or on suspending the proceedings shall be sent to the parties that are not present at the announcement of the ruling within not later than five days after the ruling has been delivered.

Chapter XXXII – Judicial Records

Article 287 – Mandatory nature of preparing judicial records

It shall be mandatory to prepare judicial records for each hearing, as well as for each procedural action taken without a hearing with the participation of the parties, their representatives, witnesses, experts and specialists.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Article 288 – Content of judicial records

1. If it is impossible to record each procedural action for each hearing using technical means, a judicial record shall be drawn up that shall indicate:

a) the year, month, date and place of the hearing;

b) the start and end date of the hearing;

c) the name and composition of the court hearing the case, and the name of the secretary of the hearing;

d) designation of the legal dispute;

e) information on the attendance of the representatives of the parties, witnesses, experts and interpreters;

f) information about the fact that procedural rights and duties were explained to the parties and to their representatives;

g) orders and rulings delivered by the court without retiring to its Chambers;

h) explanations of the parties and of their representatives;

i) testimony of witnesses, explanations of experts with regard to their findings, information on the inspection of material and written evidence;

j) content of the closing arguments;

k) the announcement of the judgment and of the ruling;

l) the content of the judgment, and the fact that the time limits and procedures for appealing the judgment were explained to the parties.

2. If it is impossible to record each procedural action or each hearing using technical means, a judicial record shall be prepared, which shall indicate the information under paragraphs (a-e) and (g) of this article, as well as the particulars of the parties, their representatives, witnesses and other persons summoned to the hearing, the time and duration of their statements.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 289 – Procedure for preparing and signing judicial records

1. A judicial record shall be drafted by the secretary during the hearing or when individual procedural actions are taken without a hearing.

2. In the case specified in Article 288(1) of this Code, the parties and their representatives may petition the court to include in the judicial record circumstances that, in their opinion, are essential to the case.

3. The judicial record shall be prepared and signed not later than three days after the hearing or after an individual procedural action.

4. A judicial record shall be signed only by a secretary of the hearing, except as determined under Article 284(3)(4) of this Code. In the cases provided in Article 284(3)(4) of this Code, the judicial record shall also be signed by the judge, or by a presiding judge, if the case is heard by a panel of judges.

5. All amendments, corrections and additions made to the judicial record shall be marked with a note and confirmed by the persons signing the judicial record.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 290 – Judicial records on magnetic tape

1. A court may use a tape recorder, computer or other technical equipment to prepare judicial records and the recordings made using this equipment shall be enclosed with the judicial record. At the request of the judge, the secretary of the hearing shall decipher the technical records or its part.

2. A party may request an electronic copy of the technical record. This request shall be satisfied. The cost of making a copy shall be in the form required by the legislation of Georgia.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 291 – Remarks on the minutes of the hearing

Within three days after minutes of the haring have been signed, the parties and their representatives may submit their remarks

with respect to the minutes and indicate inaccuracies or incompleteness. The remarks shall be enclosed with the case file. The judge (court) hearing the case shall review the remarks within five days after they have been submitted, and deliver a ruling on them.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Section Five

Summary Proceedings

Chapter XXXIII – Hearing Claims Filed with Regard to Bills of Exchange or Cheques

Article 292 – Admissibility

If a claim arising from a bill of exchange is filed in accordance with the legislation of Georgia on bills of exchange, and the claim states that the case is to be reviewed in summary proceedings, the rules under this chapter shall apply.

Article 293 – Submitting a bill of exchange

A copy of the bill of exchange shall be enclosed with the claim. During an oral hearing of the case the plaintiff shall produce the original bill of exchange.

Article 294 – Venue

1. Claims arising from a bill of exchange may be filed either with the court of the place of payment and with the court in the jurisdiction of which the defendant has his/her place of residence.

2. If several parties liable on a bill of exchange are jointly sued, then the claim may be filed either with the court of the place of payment or with the any court in the jurisdiction of which one of the defendants has his/her place of residence.

Article 295 – The period between the service of summons and the date of the hearing

The summons shall be served on the parties at least 24 hours before the hearing, provided the summons is served according to the location of the court. If the summons is submitted at a different location, then this period shall be at least three days.

Article 296 – Evidence

1. Only documents (written evidence) and explanations of the parties shall be admissible as evidence.

2. Documentary evidence may be provided only by producing the corresponding documents.

Article 297 – Waiver of summary proceedings

The plaintiff may, without the consent of the defendant, refuse to hear the case under this chapter before the hearing is over. In that case, the case shall be heard according to the general procedures.

Article 298 – Inadmissibility of combining claims and filing counter-claims

A claim arising from a bill of exchange may not be combined with claims arising on other grounds. No counter-claims may be filed either.

Article 299 – Ruling subject to a reservation of rights

1. The defendant opposing the claims brought against him/her, may request subsequent proceedings in order to exercise his/her rights in all cases in which sentence is passed upon him/her.

2. The judgment delivered subject to a reservation of the defendant's rights shall be regarded as a final judgment for the purposes of appellate remedies and compulsory enforcement.

Article 300 – Subsequent proceedings

1. If the defendant has retained the right to exercise his/her rights, the dispute shall remain pending before the courts.

2. If the plaintiff's claim proves to be unfounded in subsequent proceedings, a judgment made under this chapter shall be cancelled; the plaintiff shall be denied the satisfaction of his/her claim and court costs shall be distributed accordingly. The plaintiff shall reimburse the damages to the defendant incurred as a result of the enforcement of a decision or as a result of an action impeding such enforcement. The defendant may claim the reimbursement of damages during the proceedings.

Article 301 – Proceedings on claims concerning a cheque

If claims concerning a cheque have been filed in accordance with the legislation of Georgia on cheques, the rules governing the proceedings on claims concerning bills of exchange shall be applied.

Chapter XXXIV – (Deleted)

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 302 – (Deleted)

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 303 – (Deleted)

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 304 – (Deleted)

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 305 – (Deleted)

Law of Georgia No 2360 of 20 December 2005 – LHG I, No 55, 27.12.2005, Art. 376

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 306 – (Deleted)

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 307 – (Deleted)

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 308 – (Deleted)

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Article 309 – (Deleted)

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 6145 of 8 May 2012 – website, 17.5.2012

Chapter XXXIV[1] – Summary Proceedings on the Return of Leased Assets to the Lessor

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Article 309[1] – Admissibility

The claims for returning a leased asset to the lessor may be heard under the summary proceedings specified in this chapter.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Article 309 – Application for returning the leased asset to the lessor

1. The intent of an application for returning a leased asset to the lessor, which serves as the grounds for hearing a case under summary proceedings, shall be the return of the leased asset to the lessor by a court order.

2. The application for returning the leased asset to the lessor, to which a receipt confirming the payment of state fees is to be enclosed, shall include the following details:

a) designation of the court;

b) designation of the parties and their representatives;

c) applicant's claim;

d) obligation based on which the claim has been filed;

e) evidence confirming the claim.

3. The court shall review the application for returning the leased asset to the lessor within three days after the application has been submitted to the court.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Article 309^3 – Jurisdiction

An application for returning a leased asset to the lessor shall be filed with a court according to the Civil Procedure Code of Georgia.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Article 309^4 – Dismissing an application for returning a leased asset to the lessor

1. If a judge finds that an application for returning a leased asset to the lessor does not meet the requirements laid down in this Code, including the requirements of Article 309^2, the judge shall deliver a ruling dismissing the application, and return the application to the applicant, along with enclosed documents.

2. A ruling dismissing the application for returning a leased asset to the leaser may be appealed with a complaint subject to a time limit.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309^5 – (Deleted)

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309[6] – Orders returning a leased asset to the lessor

The order returning a leased asset to the lessor shall indicate that the order is to be immediately enforced. It shall also indicate the procedure and time limits for appeal.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Article 309[7] – Appealing the order on returning a leased asset to the lessor

A complaint subject to a time limit may be filed against a court order on returning a leased asset to the lessor. Furthermore, this shall not prevent the enforcement of the order.

Law of Georgia No 1395 of 7 May 2002 – LHG I, No 13, 28.5.2002, Art. 50

Chapter XXXIV[2] – Procedure for Hearing Cases on Compulsory Acquisition of Shares

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Article 309[8] – Admissibility

An application for compulsory acquisition of shares filed by a shareholder of a joint stock company ('the Purchaser') who, as a result of acquiring shares, holds at least 95% of voting shares of a joint stock company may be reviewed in the form prescribed by this chapter.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Article 309[9] – Application of an offeror for the compulsory acquisition of shares

1. An application of an offeror for compulsory acquisition of shares shall be submitted to a court within one month after the application on the compulsory acquisition of shares provided in the law of Georgia has been published in an official gazette.

2. A receipt confirming the payment of state fees shall be enclosed with the application. The application shall include the following details:

a) designation of the court;

b) names of the offeror and his/her representatives;

c) claim of the applicant;

d) evidence confirming that the application for the compulsory acquisition of shares was published in an official gazette at least one month before filing the application;

e) address of the registrar;

f) date (corresponding time at the end of a work day) on which the shares are to be redeemed from the persons who are beneficiary owners of the shares as of that date (accounting date of redemption).

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Article 309[10] – Venue

The application of an offeror for compulsory acquisition of shares shall be reviewed by Tbilisi and Kutaisi city courts, according to the offeror's legal address. For the purposes of this chapter, the jurisdiction of Tbilisi City Court includes eastern Georgia and Kutaisi City Court covers western Georgia.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Article 309[11] – Deciding the admission of an application for compulsory acquisition of shares

1. A judge shall decide whether to admit an application for compulsory acquisition of shares within three days after the application has been filed.

2. If the judge finds that an application for compulsory acquisition of shares does not comply with the requirements under this Code, including Article 309[9], he/she shall deliver a ruling on dismissing the application and return the application to the applicant, along with the enclosed documents.

3. A ruling dismissing an application for compulsory acquisition of shares may be appealed with a complaint subject to a time limit.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309[12] – Appointment of an independent expert or a broker company

1. To determine the fair redemption price of the shares, the court shall appoint an independent expert or a broker company within seven days after an application has been filed.

2. An independent expert or a broker company shall prepare a redemption report that shall include documented circumstances of redemption as well as the method to be used for determining a fair redemption price of the shares and the price of the shares determined on that basis. The costs of an independent expert or a broker company shall be borne by the offeror.

3. When selecting an independent expert or a broker company, the court may take into account the opinions of the parties. The parties may recommend to the court candidates to be appointed (as experts). The final decision as to who is to prepare a redemption report shall be made by the court. The parties may challenge an independent expert or a broker company on the grounds provided in Article 35 of this Code.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309[13] – Review of an application for compulsory acquisition of shares

1. In the ruling admitting an application for compulsory acquisition of shares, the court shall determine the time for oral hearing, and immediately inform parties of the time and place of the hearing. The copies of the application and of supporting documents, together with the summons shall be sent to the shareholder whose shares are requested by the offeror (`the interested person`); the court shall set time limits for the shareholder to present his/her opinions.

2. If there are more than two interested persons, they shall be obliged to appoint a representative.

3. The court shall review the application and deliver a judgment within not later than one month after the application has been

filed.

4. The application shall be reviewed at a hearing. The court shall verify compliance of the procedure for compulsory acquisition of shares with the requirements of law. The failure of the parties to appear shall not prevent the court from deciding the issue.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309^{14} – Court judgment on an application for compulsory acquisition of shares

1. If the court establishes that the procedures for compulsory acquisition of shares comply with the law, it shall deliver a judgment on the compulsory acquisition of shares. Otherwise, the court shall deliver a ruling dismissing the application.

2. A court judgment on the compulsory acquisition of shares shall establish the fair price and the date (corresponding time at the end of a workday) of redemption of shares, on which the shares are to be redeemed from the persons who are beneficial owners of the shares as of that date (accounting date of redemption).

3. When establishing a fair price for redemption of shares, a court shall take into account:

a) the value of these shares on the stock market;

b) estimated revenues that the joint stock company may expect to gain in the future;

c) assets (including reserves, goodwill, experience, prospects and business relationships of the enterprise) and liabilities of the joint stock company.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Article 309^{15} – Appealing a judgment on compulsory acquisition of shares

1. A judgment on compulsory acquisition of shares shall indicate the procedure and time limits for appeal.

2. A civil court judgment may be appealed not later than 14 days after the judgment has been delivered.

3. A judgment on the compulsory acquisition of shares may be appealed only in a court of appeal. The time limit for hearing a case in a court of appeal shall be one month.

4. Appealing a judgment on compulsory acquisition of shares shall not interrupt its enforcement.

Law of Georgia No 5286 of 11 July 2007 – LHG I, No 29, 27.7.2007, Art. 327

Chapter $XXXIV^{3}$ – Summary Proceedings for Claims for Damages Caused by Some Tortious Acts

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Article 309^{16} – Admissibility

A claim for damages sustained as a result of a crime or an administrative infraction shall be reviewed under the procedure specified in this chapter.

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Article 309[17] – Claim for damages

1. A claim for damages shall be accompanied by a final court verdict or an administrative-legal act on the administrative infraction issued by the authority/official reviewing the administrative infraction and which confirms the fact of inflicted damage.

2. If the final court verdict, or the administrative-legal act on the administrative infraction issued by the authority/official reviewing the administrative infraction does not include the calculation of the damages incurred, the claim for damages may also be accompanied by a document prepared by an authorised person/body that specifies the extent of the damage caused.

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Article 309[18] – Jurisdiction

A claim for damages shall be filed with a court under this Code.

Article 309[19] – Deciding the admissibility of a claim for damages

1. The judge shall decide the admissibility of a claim for damages within three days after the claim has been filed.

2. If the judge finds that the claim for damages does not comply with the requirements of this Code, he/she shall deliver a ruling dismissing the claim, and return it to the plaintiff together with the enclosed documents.

3. A court ruling on dismissing a claim for damages shall be appealed by a complaint subject to a time limit.

4. After a claim for damages has been admitted, the copies of the claim and of the enclosed documents shall be sent to the defendant according to Article 201 of this Code and a time limit for the defendant to file a counter-claim shall be set; the time limit shall not exceed seven days.

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Article 309[20] – Reviewing a claim for damages

1. A court shall review a claim for damages within one month after it has become pending with the court.

2. When reviewing a claim for damages, the court shall deem the fact of damage as established, which is confirmed by a final court verdict, or by an administrative-legal act on the administrative infraction issued by the authority/official reviewing the administrative infraction.

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Article 309[21] – Appealing a court judgment on the compensation of damage

A court judgment on the compensation of damage may be appealed to a court of appeals within seven days.

Law of Georgia No 4075 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 505

Section Six

Non-contentious Proceedings

Chapter XXXV – General Provisions

Article 310 – Matters of non-contentious jurisdiction

A court shall hear non-contentious matters on:

a) the establishment of facts of legal significance;

b) declaring a citizen as missing or deceased;

c) (deleted – 20.3.2015, No 3340);

d) restoration of rights to lost securities made out to the bearer and to order (public notice procedure);

e) recognising property as ownerless;

f) (deleted);

g) adoption;

h) recognising a child as abandoned.

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 5628 of 18 December 2007 – LHG I, No 48, 27.12.2007, Art. 418

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 311 – Hearing non-contentious matters

1. A court shall hear non-contentious matters in compliance with the procedures laid down under this Code, taking into account the modifications and additions included in Chapters XXXV–XLII, When hearing non-contentious matters, a court shall invite persons interested in the hearing.

2. If during non-contentious proceedings, a dispute arises which falls within the substantive jurisdiction of the court, the court shall dismiss the application without prejudice and explain to interested persons that they may file a claim on a general basis.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Chapter XXXVI – Establishing Facts of Legal Significance

Article 312 – Matters involving the establishment of facts of legal significance by court

1. A court shall establish facts based upon which personal or property rights of citizens and organisations arise, are changed or extinguished.

2. A court shall hear cases on:

a) establishing kinship of persons;

b) establishing the fact of a person's dependency;

c) establishing paternity, marriage, divorce, registration of change of a first name and/or a surname or adoption;

d) establishing the fact that a title document belongs to the person whose first name, patronymic or surname indicated in the document are not the same as the names indicated in the person's passport or birth certificate;

e) (deleted);

f) (deleted);

g) (deleted);

h) establishing the acceptance of inheritance and the place of opening of the estate;

i) (deleted).

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5977 of 21 March 2008 – LHG I, No 9, 4.4.2008, Art. 64

Law of Georgia No 5569 of 20 December 2011 – website, 28.12.2011

Article 313 – Conditions required for establishing facts of legal significance

1. A court shall establish facts of legal significance only if the documents confirming these facts cannot be obtained in any other way or the lost documents cannot be restored.

2. (Deleted).

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 313^1 – (Deleted)

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 314 – Filing an application

An application requesting the establishment of a fact of legal significance shall be filed with a court according to the applicant's place of residence.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 315 – Content of an application

The application shall indicate the purpose for which the applicant needs to establish the fact in question. The applicant shall also provide evidence that he/she cannot obtain the required documents or that the lost documents cannot be restored.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 316 – Court judgment establishing a fact of legal significance

A court judgment establishing a fact of legal significance, which is to be registered with the civil registry or other authority shall be the basis for such registration, but may not replace the documents to be issued by these authorities.

Law of Georgia No 5569 of 20 December 2011 – website, 28.12.2011

Article 316[1] – Procedure for hearing cases on the establishment of facts of legal significance and for appealing a court judgment

1. Cases on the establishment of facts of legal significance shall be heard by a judge or appropriate court official in compliance with Article 311 of this Code.

2. The judgment delivered by an appropriate court official may be appealed by filing an appeal with the same court, within 10 days after a reasoned judgment has been served on the party.

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Chapter XXXVI[1] – Giving Consent to Living Organ Donation

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Article 316[2] – Submission of applications

1. On the basis of the Law of Georgia on Human Organ Transplantation, an application on obtaining a consent of a person, having close personal relationship with a recipient, for living organ donation shall be submitted to the court in accordance with the residential address of a donor.

2. A recipient, donor or a transplantation council may submit an application on obtaining consent for living organ donation.

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Article 316[3] – Content of an application

1. An application on obtaining consent for living organ donation shall specify the nature of the close personal relationship between the donor and the recipient, the personal and marital status of the donor and the purpose of removing the donor's organ.

2. The following shall be attached to an application on obtaining a consent for living organ donation:

a) evidence certifying the existence of the close and stable emotional relation between the donor and the recipient for at least two years;

b) evidence certifying that a living organ donor has not been found among the persons determined by Article 18(b.a)(b.b) and (b.c) of the Law of Georgia on Human Organ Transplantation;

c) evidence certifying that there an alternative method for the recipient's survival, recovery of the recipient from his/her serious illness, prevention of the progression of the disease or treatment for improving his/her health is not available;

d) a health certificate certifying the recommendation for transplantation;

e) the donor's consent;

f) a conclusion on antigen compatibility of the donor and the recipient;

g) a health certificate of the potential donor.

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Article 316[4] – Actions to be taken by a court after admitting an application

When preparing a case for hearing, a court shall determine:

a) whether or not economic, social or psychological factors affect the donor's consent;

b) whether or not the donor's consent has been obtained as a result of receiving promised or actual compensation;

c) whether or not the donor is aware that he/she can refuse donating an organ at any time, without explaining the reasons;

d) other necessary circumstances.

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Article 316[5] – Court judgment

A court judgment, granting consent to a living organ donation of a person based on the existence of a close personal relationship of the donor with the recipient, shall be the court's consent for the purposes of Article 18(g) of the Law of Georgia on Human Organ Transplantation.

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Article 316[6] – Rules for reviewing a case and appealing a court judgment on giving consent to living organ donation

1. A court shall review a case on giving consent to living organ donation in accordance with the procedure established by Article 311 of this Code.

2. A court judgment may be appealed by filing an appeal in the same court within 10 days after the delivery of a substantiated court judgment to the party.

Law of Georgia No 5580 of 24 June 2016 – website, 13.07.2016

Chapter XXXVII – Declaring a Citizen as Missing or Deceased

Article 317 – Filing an application

An application to declare a citizen missing or deceased shall be filed with a court by an interested person according to the applicant's place of residence.

Article 318 – Content of an application

The application shall indicate the purpose for which the applicant requires a decision that a citizen is declared missing or deceased. The application shall also set out the circumstances that confirm that the citizen is missing, or circumstances that endangered the life of the missing person, or that provide grounds for assuming that the person died as a result of some accident.

Article 319 – Actions taken by a court after admitting an application

When preparing a case for hearing, a court shall determine persons that can provide information on the missing person. The court shall also request information from appropriate authorities about the missing person according to the person's last place of residence or work.

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Article 320 – Court judgment

1. A court judgment declaring a person missing shall serve as grounds for transferring the missing person's property for management as property held in trust to his/her legal successors.

2. A court judgment declaring a citizen deceased shall be grounds for the civil registration authority to register the fact of death.

Law of Georgia No 5569 of 20 December 2011 – website, 28.12.2011

Article 321 – Consequences of reappearance of a person declared missing or deceased or consequences of establishing such person's whereabouts

If a person declared missing or deceased reappears or the person is located, a court shall, by a new judgment, cancel its previous judgment. The new judgment shall serve as grounds for the civil registration authority to cancel the death record of the person.

Law of Georgia No 5569 of 20 December 2011 – website, 28.12.2011

Article 321^1 – Procedure for hearing cases on declaring a citizen missing or deceased and for appealing the judgment on such matters

1. Cases on declaring a citizen missing or deceased shall be heard by a judge or an appropriate court official in compliance with Article 311 of this Code.

2. The judgment delivered by an appropriate court official may be appealed by filing an appeal with the same court, within 10 days after a reasoned decision has been served on the party.

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Chapter XXXVIII – (Deleted)

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 322 – (Deleted)

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 323 – (Deleted)

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 324 – (Deleted)

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 325 – (Deleted)

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 326 – (Deleted)

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 327 – (Deleted)

Decision of the Constitutional Court of Georgia No 2/4//532,533 of 8 October 2014 – website, 28.10.2014

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Chapter XXXIX – Restoration of Rights to Lost or Destroyed Securities Made out to the Bearer or to Order (Public Notice Procedure)

Article 328 – Filing an application

1. If a security made out to the bearer or to order is lost or destroyed, a person may, in cases provided by law, request a court to declare the lost or destroyed security invalid and to restore the rights to it.

2. An application shall be filed with a court according to the location of the agency issuing the document referred to in this article.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 329 – Content of the application

The application shall indicate the distinctive features of the lost or destroyed document, the issuing authority and the circumstances under which the document was lost.

Article 330 – Actions taken by a judge after admitting an application

1. After admitting an application the judge shall deliver a ruling prohibiting the agency (the person) issuing the document to stop any payments under the document and order the applicant to bear all costs of publication in the local press.

2. A refusal to deliver such ruling may be appealed with a complaint subject to a time limit.

Article 331 – Publication

A publication shall contain:

a) name of the court with which an application about losing a document has been filed

b) name and place of residence of the applicant

c) name and distinctive features of the document

d) proposal to the bearer of the document on the loss of which the application has been filed requesting that the bearer file an application with a court claiming his/her rights to the document, within three months after publication.

Article 332 – Application of the bearer

The bearer of the document the loss of which has been declared shall be obligated to file an application with the court that delivered the ruling and claim his/her right to the document within three months after publication. The bearer shall also present the original document.

Article 333 – Actions taken by a judge receiving an application from the document bearer

1. If the bearer files an application with a court before the expiry of three months after the date of publication, the court shall dismiss the application on the loss of the document and shall set time limits within which the agency (person) issuing the

document shall be prohibited to make any payments under this document. This period may not exceed two months.

2. At the same time, a court shall inform the applicant of his/her right to file, under a general procedure, a claim for return of the document against the person who holds this document, and shall inform the bearer of his/her right to have the applicant indemnify damages caused by the prohibitive measure. The court ruling may be appealed by a complaint subject to a time limit.

Article 334 – Appointing a hearing

A court shall hear a case to declare lost documents invalid after 3 years following publication has expired, unless the document bearer has filed an application referred to in Article 332.

Article 335 – Court judgment based on the application

If the applicant's claim is satisfied, the court shall deliver a judgment declaring the lost document invalid. This judgment shall entitle the applicant to receive a deposit or a new document in exchange for the document declared invalid.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 336 – Right of a bearer to file a claim for unjust acquisition of property

A bearer who, for any reason, failed to claim his/her right to this document, may, after the court judgment declaring the lost document invalid enters into force, file a claim for unjust acquisition or saving of property against the person who obtained the right to receive a new document in exchange for the lost document.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Chapter XL – Declaring Property Ownerless

Article 337 – Filing an application

An application to declare property ownerless shall be filed with a court by the person who took possession of the property according to a natural person's place of residence or a legal person’s location.

Article 338 – Content of the application

The application to declare property ownerless shall indicate: the property that is to be declared ownerless; distinctive features of the property, evidence that confirms that the owner has abandoned the property without intending to maintain title to the property; also evidence that confirms that the applicant took possession of such property the appropriation of which is not prohibited by law and the rights of another person who had the right to appropriate the property in question are not violated.

Article 339 – Publication

After admitting an application the court shall place a notice in a local newspaper that shall contain:

a) the name of the court that is to make a judgment on declaring property ownerless

b) the name of the applicant

c) description of the property that shall be declared ownerless;

d) a request addressed to persons who may have a claim to the property that is to be declared ownerless, to declare their rights to the court within three months following publication.

Article 340 – Defending the title to property by bringing an action

1. If, within the time limits provided in Article 339(d), a court receives an application claiming title to the property, then the court shall, by its ruling, dismiss the application to declare the property as ownerless and shall propose to the applicant to file an action for acknowledgement against the person who has claimed title to the property.

2. If the court does not receive an application claiming title to the property before the set time limits expire, the court shall hear the case and interview the persons who are able to provide information on ownership of the property. The court shall also request information from appropriate authorities.

Article 341 – Court judgment

If a court declares that the property has no owner, or the owner has abandoned the property without intending to maintain title to the property, the court shall deliver a judgment recognising the movable property as ownerless and transferring it to the person who took possession of the property.

Chapter XLI – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 342 – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 343 – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 344 – (Deleted)

Law of Georgia No 2105 of 23 April 2003 – LHG I, No 12, 21.5.2003, Art. 63

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 345 – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 346 – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 347 – (Deleted)

Law of Georgia No 177 of 24 June 2004 – LHG I, No 19, 15.7.2004, Art. 78

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Article 348 – (Deleted)

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Chapter XLII – Adoption

Article 349 – Application for adoption

An application for adoption shall be filed with a court according to the place of residence of the adoptive parent or the adoptee.

Article 350 – Content of the application

1. An application for adoption shall indicate the details of the adoptee and the adoptive parent(s) as well as the circumstances that confirm that the child is adopted for the welfare and in the best interests of the child.

2. The application shall be accompanied by:

a) consent of a spouse, when a child is adopted by one of the spouses;

b) consent of the parents of the child to be adopted, if any.

3. A court may, at the request of an applicant or on its own initiative, make a request for evidence that have significance for prope settlement of the case.

4. A hearing of a case of adoption shall be closed. Parties may request a public hearing. If an adoptive parent (parents) and a 10 years old or more than 10 years old child or his/her representative fail to agree on whether a hearing should be closed or public,

the issue shall be settled by court.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 2078 of 9 June 1999 – LHG I, No 24(31), 26.7.1999, Art. 112

Law of Georgia No 2385 of 18 December 2009 – LHG I, No 50, 31.12.2009, Art. 402

Law of Georgia No 753 of 4 May 2017 – website, 24.5.2017

Article 351 – Court judgment

1. If a court finds that the adoption is for the welfare and in the best interests of the child, it shall deliver a judgment on the adoption, which shall not be made public at the request of the applicant.

2. (Deleted – 4.5.2017, No 753).

3. The adoption shall be valid from the day when the court judgment enters into force.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 2385 of 18 December 2009 – LHG I, No 50, 31.12.2009, Art. 402

Law of Georgia No 753 of 4 May 2017 – website, 24.5.2017

Chapter XLII[1] – Restoration of Proceedings of Lost Material of Cases

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 351[1] – Procedure for restoring the proceedings of lost material of cases

The proceedings of lost material of cases may be restored on the application of the parties.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 351[2] – Filing an application with a competent court

An application for restoring proceedings of the lost material of a case shall be filed with the court or with its successor in title that delivered a judgment (ruling) on termination of the proceedings. If the proceedings in the missing case are not concluded, the application shall be filed with the court in which the case is pending.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 351[3] – Content of the application

1. An application shall contain:

a) the name of the reviewing court

b) the name of the court that delivered a judgment or ruling on the missing case, or a ruling on termination of the proceedings

c) the part of the lost records the restoration of which is requested by the applicant

d) the circumstances due to which the case records in question were lost

e) the purpose for which the applicant needs to restore the proceedings of lost material of the case

f) the detailed information on the case.

2. The documents or their certified copies kept by the applicant and which are related to the case shall be attached to the application, even if they have not been certified in compliance with established procedures.

3. The receipt confirming the payment of state fees shall be attached to the application if the material of the case were lost through the applicant's fault.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 351[4] – Procedure for reviewing application

1. A court shall hear the application for restoring the proceedings of lost material of case in the presence of the parties. Failure of one or both of the parties to appear shall not delay the hearing. If necessary, the court shall, on its own initiative or on the petition of the parties, invite persons who are able to provide the court with the information related to the restoration of the proceedings. The court may also request information from appropriate authorities.

2. The court hearing the case shall base its decisions on the remaining court material of the case, as well as on the petitions of the parties or documents of other persons that were served on the parties before the case material were lost; also on certified copies of the documents and material that concern the case. Persons who participate in the proceedings may submit for review to the court a draft of the decision that is to be restored.

3. The court may interrogate as witnesses the persons that were present during the performance of procedural actions, and if necessary, also the persons that were present at the hearing of the case the records of which have been lost.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 351[5] – Court ruling on restoring the proceedings of lost material of cases

A court shall deliver a ruling on restoring the proceedings of lost material of a case; the judgment shall include the content of the judgment or ruling by which the proceedings of the lost material of the case was terminated. The ruling shall also indicate the procedural actions performed during the proceedings over the missing case. The ruling on the restoration of the proceedings of lost material of cases may be appealed by a complaint subject to a time limit.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 351[6] – Impossibility of restoring proceedings of the lost material of case

If the proceedings of lost material of a case cannot be restored, the court shall, by its ruling, terminate the proceedings on the restoration of proceedings of lost material of cases. In that case, the applicant may file a claim under a general procedure. This ruling may be appealed by a complaint subject to a time limit.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Section Seven

Special aspects of reviewing matters relating to the return of a wrongfully removed or retained child or the use of rights of access to the child, as well as matters concerning family, administrative, state-legal relationships, confiscation and transfer to the State of property obtained through racketeering, or property of an official, of a member of the 'criminal underworld', of a human trafficker, of a person facilitating the distribution of drugs or of a person convicted of the crime provided in Article 194 and/or Article 331[1] of the Criminal Code of Georgia, and matters related to declaring a person connected with the person who carries out prohibited economic activities in the occupied territories

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Chapter XLII[2] – Special aspects of reviewing cases relating to the return of a wrongfully removed or retained child or the right of access to the child

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[7] – Definition of the terms used in this chapter

For the purposes of this chapter, the terms used herein have the following meaning:

a) convention – the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction;

b) Central Authority – a structural unit of the Ministry of Justice of Georgia;

c) child – any person under 16;

d) applicant – any person or body filing a claim for the return of a wrongfully removed or retained child or for the granting access to the child;

e) court – Tbilisi and Kutaisi city courts and courts of appeal;

f) custody rights – rights provided in Article 1305[1](e) of the Civil Code of Georgia;

g) rights of access to the child – taking the child for a limited period of time to a place other than the child's habitual residence;

h) wrongful removal or retention of a child – breach of the custody rights granted jointly or alone to a person or a body under the legislation of the State in which the child usually resided immediately before his/her wrongful removal or retention; and where those rights were actually exercised at the time of removal or retention, either jointly or alone, and/or would have been so exercised if the child was not wrongfully removed or retained.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[8] – Scope of regulation

Procedures laid down by this Code, taking into account the special aspects determined under this chapter, shall apply to the matters relating to returning a wrongfully removed or retained child or to using the right of access to the child.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[9] – Jurisdiction

1. A claim for the matters relating to returning a wrongfully removed or retained child or to using the right of access to the child shall be filed with a court according to the procedures established under this Code.

2. The matters relating to returning a wrongfully removed or retained child or to using the right of access to the child shall be reviewed by Tbilisi and Kutaisi city courts in the first instance, according to the child's location. For the purposes of this chapter, the jurisdiction of the Tbilisi City Court shall cover eastern Georgia and Kutaisi City Court shall cover western Georgia.

3. The judgment delivered by the Tbilisi and Kutaisi city courts on returning a wrongfully removed or retained child or on using the right of access to the child may be appealed to the Tbilisi and Kutaisi courts of appeal according to the procedures prescribed by this Code, within two weeks after the judgment has been officially published.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[10] – Petition for a court order

If an applicant has filed a claim with regard to the matters relating to the return of a wrongfully removed or retained child or to the use of the right of access to the child, the applicant may petition the court, before the court delivers a final judgment, to issue:

a) an order restricting removal of the child

b) an order placing the child with the relevant person or institution

c) an order to locate the child by means of appropriate state authorities

d) any other order that the applicant may deem appropriate according to the provisions of the Convention.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[11] – Ascertaining whether there has been a wrongful removal or retention of a child

1. In ascertaining whether or not a child has been removed or retained wrongfully, the court which has admitted the claim, may take notice directly of the legislation of the State in which the child habitually resides, or of judicial or administrative decisions of this State or of judicial or administrative decisions of a third State, regardless of whether the decision has been recognised by the State of habitual residence of the child, without recourse to the specific procedures which the court would otherwise apply for recognising or confirming such decision in the territory of Georgia.

2. Before delivering a decision on returning the child, the court may request that the applicant obtain from the authorities of the State of the habitual residence of the child any document that can confirm that the removal or retention was wrongful. The Central Authority may assist the applicant in obtaining such document.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[12] – Consequences of admitting a claim for wrongful removal or retention of a child

After a court admits a claim for wrongful removal or retention of a child, none of the courts of Georgia shall be authorised to decide the rights of custody until a decision is made to return or to refuse to return the wrongfully removed or retained child.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[13] – Judicial proceedings

1. A court shall hear the child, if the child's age, physical and mental state makes it possible.

2. The child shall be heard according to the procedures established by the legislation of Georgia. An expert and/or a social worker shall attend the hearing.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[14] – Judicial time limits

1. A court shall deliver a judgment on the return of a wrongfully removed or retained child or on the right of access to the child expeditiously, within six weeks after commencement of proceedings.

2. A court shall deliver a judgment on the petitions of the applicant provided in Article 351[10] of this Code within 48 hours.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[15] – Court judgment on returning a wrongfully removed or retained child

1. A court shall deliver a judgment on returning a wrongfully removed or retained child, if:

a) the child has been wrongfully removed or retained and on the date of filing the claim with the court, a period of less than one year has elapsed from the date of the child's wrongful removal or retention;

b) more than one year has elapsed between the child's wrongful removal or retention and the filing of a claim, and it has not been manifestly demonstrated that the child is now settled in a new environment.

2. The provisions of this article shall not restrict the court's right to order the return of the child at any stage of the hearing, if the failure to deliver this judgment may endanger the child's physical or mental state.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[16] – Court judgment on leaving a wrongfully removed or retained child in Georgia

A court may refuse to return a wrongfully removed or retained child, if:

a) more than one year has elapsed after the child's removal or retention and the child has settled in its new environment;

b) the person or other body requesting the return of the child, was not actually exercising custody rights at the time of removal or retention of the child in Georgia, or had consented to or subsequently acquiesced in the removal or retention;

c) the child expressly objects to being returned and has attained an age and degree of physical and mental maturity at which it is appropriate to take account of its views;

d) there is a grave risk that the new environment into which the child is to return would expose the child to physical or mental

harm or otherwise place the child in an intolerable situation.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[17] – Enforcement of a judgment on the return of a wrongfully removed or retained child or on rights of access to the child

A judgment on the return of a wrongfully removed or retained child or on rights of access to the child shall include the issues related to its enforcement.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Article 351[18] – Costs

1. The applicant shall be exempt from the costs of proceedings.

2. When delivering a judgment on the return of a wrongfully removed or retained child or on the rights of access to the child, a court shall direct the person who has wrongfully removed or retained the child, or precluded the rights of access, to pay necessary costs incurred by the applicant, including travel costs, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Law of Georgia No 4869 of 21 June 2011 – website, 6.7.2011

Chapter XLII[3] – Special aspects of reviewing cases provided in the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

Law of Georgia No 2111 of 19 March 2014 – website, 1.4.2014

Article 351[19] – Central Authority stipulated by the Convention

The Central Authority stipulated by the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children shall be a structural unit of the Ministry of Justice of Georgia.

Law of Georgia No 2111 of 19 March 2014 – website, 1.4.2014

Article 351[20] – Compliance with the request of the Central Authority of the Contracting State

1. To protect the person and/or the property of the child, the structural unit of the Ministry of Justice of Georgia shall forward to the guardianship and custodianship authorities, according to the location of the child, the request of the Contracting State's Central Authority stipulated by the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children. The guardianship and custodianship authorities shall be obligated to take measures prescribed by the legislation of Georgia upon receipt of the request.

2. If guardianship and custodianship authorities apply to a court in order to protect the person and/or property of the child, the court shall hear the case not later than six weeks after the court admits the case.

Chapter XLIII – Special Aspects of Reviewing Family Matters

Article 352 – Scope of application

The procedures prescribed by this Code, along with the additions established under this chapter shall apply for matrimonial and family matters.

Article 353 – Death of one of the spouses

In the case of death of one of the spouses, a case initiated before the court shall be terminated.

Article 354 – Establishment of case circumstances on a court's initiative

1. A court may, on its own initiative, determine the scope of the circumstance that are to be established, and after examining the parties, request (from the appropriate persons) evidence that has not been indicated by the parties.

2. Cases arising from family relations may not be reviewed together with cases initiated with respect to claims of a different nature.

Article 355 – Interim court order

1. On petition of the parties, a court may issue an interim order to regulate:

a) issues related to childcare by parents

b) access of one of the parents to the child

c) granting custody of the child to one of the parents for upbringing

d) the obligation to maintain a minor child

e) the issue relating to providing material support by one parent to the other parent

f) the issues relating to household and the right to use the home

g) the issue of advance payment of costs related to cases arising from family relationships.

2. A court ruling on the above issues may be delivered without an oral hearing of the case.

3. The court that has delivered a ruling may, on the application of the parties, modify or reverse its ruling.

Article 356 – Court judgment the annulment of marriage or divorce

1. Upon request of the parties, a court shall, in its judgment on the annulment of the marriage or divorce, decide the matters relating to:

a) joint care by parents for the child born in marriage;

b) relations of one of the parents with the child born in marriage;

c) granting custody of the child to one of the parents;

d) providing material support to the child born in marriage;

e) reciprocal maintenance of the spouses.

2. A court shall deliver one judgment on the annulment of a divorce or marriage and on its consequences. If a court separates other cases arising from the matrimonial cases, then it shall deliver a ruling on the matters referred to in paragraph 1(a) and (b) of this article. Such ruling may be appealed with a complaint subject to a time limit.

Chapter XLIV – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 357 – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 358 – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 359 – (Deleted)

Law of Georgia No 2365 of 8 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 214

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 360 – (Deleted)

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 361 – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 362 – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Article 363 – (Deleted)

Law of Georgia No 70 of 10 December 1999 – LHG I, No 48(55), 16.12.1999, Art. 245

Chapter XLIV[1] – Proceedings for the confiscation and transfer to the State of the property derived from racketeering activities, or the property of an official, member of the 'criminal underworld', human trafficker, person facilitating distribution of drugs, or the property of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[1] – Definition of terms

For the purposes of this chapter, the terms have the following meanings:

a) racketeering – repeated and organised activities performed for gaining income or other material benefit and related to deliberate crime (unless the conviction has been expunged or removed), if such activity was carried out at least twice within five calendar years, excluding any period of detention and imprisonment;

b) racketeering group – a legal person, as well as any association of physical and/or legal persons engaged in racketeering;

c) racketeer – a person who runs activities of a racketeering group independently or jointly with other person(s) or otherwise participates in the activities of a racketeering group and who is aware of the racketeering nature of this group, also who illegally settles or participates in solving disputes between racketeering groups or between a racketeering group and other persons;

d) an official – an official, a public servant, the head or deputy head of a legal entity under public law as defined under Article 2 of the Law of Georgia on the Conflict of Interests and Corruption in Public Institutions, as well as a person authorised to manage/represent an enterprise, in which the State or a municipality owns 50% or more than 50% of the equity (shares), regardless of whether or not this person has been dismissed from the position.

e) human trafficker – a natural or legal person or group of persons who have committed a crime under articles 143[1] and/or 143[2] of the Criminal Code of Georgia;

f) person facilitating the distribution of drugs – a natural or legal person or group of persons who committed the crime provided in Article 260 of the Criminal Code of Georgia (if the purpose of selling the drugs has been confirmed) or in Article 261(4) of the Criminal Code of Georgia (if the purpose of selling the psychotropic substances has been confirmed), or a particularly serious crime provided in Chapter XXXIII of the Criminal Code of Georgia;

g) member of the criminal underworld:

g.a) a person who recognises the 'criminal underworld' and is actively involved in its activity; and a person who recognises the 'criminal underworld', has a link with it and there is a combination of the explicit signs that the person, by his/her act, expresses his/her willingness to become involved in the activity of the 'criminal underworld';

g.b) a person who runs and/or organises the 'criminal underworld' in any form, or runs and/or organises a certain group of persons using the methods of the 'criminal underworld' activities ('a thief in law');

h) family member – a spouse, a minor child, a stepchild of a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or of a person convicted of the crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia, or a person permanently residing with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Article 194 and/or Article $331^1$of the Criminal Code of Georgia;

i) close relative – a family member, a relative of direct ascending or descending line, siblings of a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or of a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia, stepchildren of his/her parents or children, siblings and parents of his/her spouse;

j) person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia – a person who, based on legal documentation, holds property and there is a reasonable suspicion that this property has been derived from racketeering or is obtained and/or used, is (was) administered by a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or by a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia;

k) property derived from racketeering – property or income obtained from racketeering, property acquired with proceeds from racketeering, as well as income, property or proceeds from property obtained by a racketeering group, a racketeer, a racketeer's family member, close relative, or by a person connected with a racketeer, where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

l) property of an official – income, property or proceeds from the property of an official, the official's family member, close relative or of a person connected with the official, where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

m) property of a member of the 'criminal underworld' – income, property or proceeds from the property of a member of the 'criminal underworld', his/her family member, close relative or of a person connected with a racketeer or a member of the 'criminal underworld', where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

n) property of a human trafficker – income, property or proceeds from the property of a human trafficker, his/her family member, close relative or of a person connected to the human trafficker, where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

o) property of a person facilitating the distribution of drugs – income, property or proceeds from the property of a person facilitating the distribution of drugs, his/her family member, close relative or of a person connected with this person, where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

p) property of a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal code of Georgia – income, property or proceeds from the property of a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal code of Georgia, his/her family member, close relative or of a person connected with a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal code of Georgia, where there is no document or evidence to confirm that the income or property has been obtained by lawful means;

q) illegal property – income, property or proceeds from the property, shares (interest) acquired illegally by a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or by a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia, or by his/her family member, his/her close relative or by a person connected with him/her;

r) undocumented property – property, also proceeds from the property, shares (interest) where a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia, or by his/her family member, his/her close relative or a person connected with him/her hold no document or evidence to confirm that the income or property or shares has been obtained by lawful means, and/or where this property, proceeds from the property, shares have been acquired with the funds derived from the alienation of illegal property.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 4370 of 27 October 2015 – website, 11.11.2015

Law of Georgia No 162 of 21 December 2016 – website, 28.12.2016

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356^2 – Filing a claim for confiscation and transfer to the State of property derived from racketeering activities, or property of officials, members of the 'criminal underworld', human traffickers, persons facilitating the distribution of drugs or property of persons convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia

1. A claim for confiscation and transfer to the State of property derived from racketeering, or property of officials, members of the 'criminal underworld', human traffickers, persons facilitating the distribution of drugs or property of persons convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia may be filed by a prosecutor within 10 years after a court ruling against the racketeer, the official, the member of 'criminal underworld', the human trafficker, the person facilitating the distribution of drugs or the person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia has entered into force.

2. A claim for confiscation and transfer to the State of property derived from racketeering may be filed against a racketeering group, a racketeer, a racketeer's family member, close relative or against a person connected with the racketeer.

3. A claim for confiscation and transfer to the State of property of an official may be filed against the official, the official's family member, close relative or against a person connected with the official.

4. A claim for confiscation and transfer to the State of property of a member of the 'criminal underworld' may be filed against the member of the 'criminal underworld', his/her family member, his/her close relative or against a person connected with the member of the 'criminal underworld'.

5. A claim for confiscation and transfer to the State of property of a human trafficker may be filed against the human trafficker, th human trafficker's family member, close relative or against a person connected with the human trafficker.

6. A claim for confiscation and transfer to the State of property of a person facilitating the distribution of drugs may be filed against this person, his/her family member, close relative or against a person connected with the person facilitating the distribution of drugs.

7. A claim for confiscation and transfer to the State of property of a person convicted of a crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia may be filed against this person, his/her family member, close relative or against a person connected with the person convicted of the crime under Article 194 and/or Article 331^1 of the Criminal Code of Georgia.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 3035 of 4 May 2010 – LHG I, No 24, 10.5.2010, Art. 163

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[3] – Declaring property to be derived from racketeering, declaring to be unlawful and undocumented the property of a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia

1. A judge shall declare property to be derived from racketeering if following evaluation of the appropriate evidence, it is discovered that the property has been derived from racketeering, constitutes proceeds from such property or has been acquired with proceeds from racketeering, or there is no document or evidence to confirm that the property of a racketeering group, a racketeer, the racketeer's family member, close relative or of a person connected with the racketeer has been obtained by lawful means;

2. A plaintiff shall be obliged to provide to the court evidence that confirms that the defendant's property has been derived from racketeering.

3. A judge shall declare as illegal the property of a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or the property of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, as well as the property of his/her family members, or his/her close relatives or the property of a person connected with a racketeer, an official, a member of 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, if, based on the evaluation of the appropriate evidence, the court establishes that the property or the funds for acquiring the property has been obtained in violation of the law.

4. A plaintiff shall be obliged to provide to the court evidence that confirms that the defendant's property has been derived illegally.

5. A judge shall declare as undocumented the property of a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or the property of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, as well as the property of his/her family members, his/her close relatives or the property of a person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, if, during the proceedings the defendant fails to present to the judge documents that confirm that the property or the funds required for acquiring this property have been obtained legally, or that confirm that charges established under the legislation of Georgia for this property have been paid.

6. A defendant shall be obliged to present to the court evidence confirming that the property is legal and is backed with appropriate documents.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[4] – Attachment of property

If there is information that the property of a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a

human trafficker, a person facilitating the distribution of drugs, or a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, or the property of his/her family members, his/her close relatives or the property of a person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia will be concealed or spent or otherwise transferred, a prosecutor shall be obliged to request an injunction from the court to attach the property, including bank accounts.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[5] – Legal consequences of declaring property to be derived from racketeering, as illegal or undocumented

1. If, under Article 356[3], a court declares property to be derived from racketeering, or if a court under Article 356[3] declares as illegal or undocumented the property of a racketeering group, a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or the property of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, or the property of his/her family members, his/her close relatives or the property of a person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, the property shall be transferred to its legal owner after the lawful interests of the third person have been satisfied, or to the State, if the identity of the legal owner cannot be established.

2. If the fact that the property has been derived from racketeering, is illegal or undocumented can be proven only in part, the part of the property that the defendant cannot prove in court not to be illegal, undocumented or derived from racketeering, shall be transferred to the legal owner, or if the owner's identity cannot be established, to the State.

3. If the illegal, undocumented property or property derived from racketeering cannot be returned to its legal owner or to the State in its original state, the defendant shall be ordered to pay the money that is equivalent in value to this property.

4. A court judgment on the transfer of the illegal or undocumented property or of the property derived from racketeering to its legal owner or to the State shall be enforced under the Law of Georgia on Enforcement Proceedings.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[6] – Default judgment

1. When hearing a case relating to the confiscation of property derived from racketeering, of property of an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or of a person convicted of a crime

under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, when a wanted notice has been issued for a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or for a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia or for his/her family members, his/her close relatives or for a person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or with a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia, Article 233(1)(c) of this Code shall not apply.

2. A party that fails to appear before the court, shall be sent a copy of the default judgment within five days after it has been delivered. The party may appeal the default judgment to a court of appeal (cassation). A party's signature on the appeal (cassation) claim shall be notarised or certified through a consular procedure.

3. In the case provided in paragraph 1 of this article, the procedure for serving a judicial summons (notice) on the party prescribed under Chapter VIII of this Code shall apply.

Law of Georgia No 211 of 24 June 2004 – LHG I, No 18, 9.7.2004, Art. 64

Law of Georgia No 2357 of 20 December 2005 – LHG I, No 57, 29.12.2005, Art. 441

Law of Georgia No 3838 of 7 December 2006 – LHG I, No 48, 22.12.2006, Art. 335

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 28, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Article 356[7] – Criminal liability of a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs, or of a person convicted of a crime under Article 194 and/or Article 331[1] of the Criminal Code of Georgia

1. If a court confirms that a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or a person convicted of a crime under Articles 194 and/or 331[1] of the Criminal Code of Georgia, or his/her family members, his/her close relatives, or a person connected with a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or with a person convicted of a crime under Articles 194 and/or 331[1] of the Criminal Code of Georgia, owns illegal and undocumented property, and if during a trial, signs of criminal activity have been discovered in the actions committed by a racketeer, an official, a member of the 'criminal underworld', a human trafficker, a person facilitating the distribution of drugs or by a person convicted of a crime under Articles 194 and/or 331[1] of the Criminal Code of Georgia, a prosecutor shall institute criminal proceedings against that person.

2. In the case provided in paragraph 1 of this article, legal proceedings shall be conducted under the Criminal Procedural Code of Georgia.

Law of Georgia No 5199 of 4 July 2007 – LHG I, No 5199, 18.7.2007, Art. 286

Law of Georgia No 1525 of 13 November 2013 – website, 22.11.2013

Law of Georgia No 2151 of 18 April 2018 – website, 1.5.2018

Chapter XLIV[2] – Proceedings for Declaring a Person to Be Related to a Person Convicted of Carrying out Prohibited Economic Activities in the Occupied Territories

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Article 356[8] – Definition of terms

For the purposes of this chapter, the terms have the following meaning:

a) a person convicted of carrying out prohibited economic activities in the occupied territories – a person who committed the action provided in Article 322[2] of the Criminal Code of Georgia;

b) a person connected with the person convicted of carrying out prohibited economic activities in the occupied territories – a person under Article 6(5) of the Law of Georgia on the Occupied Territories;

c) property of a person connected with the person convicted of carrying out prohibited economic activities in the occupied territories – any property or proceeds from the property.

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Article 356[9] – Filing a claim for declaring a person to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories

1. A claim for declaring a person to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories may be filed by a prosecutor, six months after a court ruling against the person convicted of carrying out prohibited economic activities in the occupied territories has entered into force, provided that a court judgment against this person cannot be enforced.

2. A judge shall declare a person to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories, if, following the evaluation of appropriate evidence it is discovered that there are grounds provided in Article 6(5) of the Law of Georgia on the Occupied Territories.

3. A plaintiff shall be obliged to provide to the court evidence with regard to recognising a person to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories.

4. If a person is declared to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories, compulsory enforcement of payment of the sums imposed as a penalty on the convicted person by court judgment shall be taken against the property of the person related to the convicted person (if the court rules confiscation of property – equivalent property shall be confiscated or equivalent amount of money shall be paid).

5. Effecting compulsory enforcement under paragraph 4 of this article against the property of the person connected with the convicted person shall not exclude the enforcement of the court judgment against the convicted person.

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Article 356[10] – Attachment of property

If there is information that the property owned by a person connected with a person convicted of carrying out prohibited economic activities in the occupied territories may be concealed or spent or otherwise transferred, the prosecutor shall be obliged to apply to the court requesting an injunction to attach this property, including bank accounts.

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Article 356[11] – Default judgment

1. When hearing a case for declaring a person to be connected with a person convicted of carrying out prohibited economic activities in the occupied territories, and when a wanted notice has been issued for a person connected with a person convicted of carrying out prohibited economic activities in the occupied territories, Article 233(1)(c) of this Code shall not apply.

2. A party that fails to appear before the court shall be forwarded a copy of the default judgment five days after it has been delivered. The party may appeal the default judgment to a court of appeal (cassation). A party's signature on the appeal (cassation) claim shall be notarised or certified through a consular procedure.

3. In the case provided in paragraph 1 of this article, the procedure for serving a judicial summons (notice) on the party prescribed under Chapter VIII of this Code shall apply.

Law of Georgia No 797 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 284

Section Seven[1]

Participation of a Court in Arbitration Hearing and Enforcement of an Arbitration Award

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Chapter XLIV[3] – Special Aspects of Arbitration Proceedings

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[12] – Scope of application

1. A court shall conduct arbitration proceedings according to the procedures provided in this Code.

2. A court shall conduct arbitration proceedings only in cases directly provided by the Law of Georgia on Arbitration.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[13] – Matters connected with arbitration

1. Under this section, a court may take action in the matters relating to:

a) appointment, recusal and termination of an arbitral judge;

b) competence of the arbitral tribunal;

c) provision of the security for a request for arbitration (provisional measures);

d) support provided by the court in taking evidence and securing the attendance of witnesses;

e) recognition and enforcement of and refusal to enforce provisional measures used by the arbitral tribunal;

f) issuance of a writ of execution;

g) reversal of an arbitration award;

h) recognition and enforcement of an arbitration award delivered outside Georgia;

i) in other cases provided for by the Law of Georgia on Arbitration.

2. In the cases provided for in paragraph 1(a), (d) and (i) of this article, judgments shall be delivered by the district (city) court within the jurisdiction of which the arbitration proceedings were, are or will be conducted.

3. In the cases provided in paragraph 1(b), (c), and (e-g) of this article, cases shall be heard by courts of appeal.

4. In the case provided in paragraph 1(h) of this article, cases shall be heard by the Supreme Court of Georgia.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 356^{14} – Parties

For the purposes of this chapter, a party is a person who participates in an arbitration agreement or an authorised representative of that person.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356^{15} – Appointment, recusal and termination of arbitral judges

1. At the request of the party, a court shall deliver a judgment to appoint, recuse or terminate an arbitral judge's appointment.

2. In appointing, recusing or terminating an arbitral judge, the court is to consider the arbitration agreement concluded between the parties and to take account of all aspects by which the appointment of an independent and impartial arbitral judge is ensured.

3. A court shall appoint an arbitral judge within 30 days after admitting an application.

4. A court shall deliver a judgment to recuse and/or to terminate powers of an arbitral judge within 14 days after admitting an application.

5. For the period during which the issue relating to the recusal and/or termination of powers of an arbitral judge is pending the arbitral tribunal may continue the arbitration proceedings.

6. A court judgment to appoint, recuse or terminate an arbitral judge shall be final and may not be appealed.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356^{16} – Deciding on the competence of the arbitral tribunal

1. A court shall deliver a reasoned judgment on the competence of the arbitral tribunal within 14 days after admitting an application.

2. For the period during which the issue relating to the competence of the arbitral tribunal is pending the arbitral tribunal may continue the arbitration proceedings.

3. A court ruling on the competence of the arbitral tribunal shall be final and may not be appealed.

4. If a court does not consider the arbitral tribunal to be competent with respect to the matter in question, a competent body shall be specified to in the ruling.

5. If, under a court judgment, the arbitral tribunal is found incompetent, all the decisions previously delivered by the arbitral tribunal with regard to the matter in question shall be declared invalid.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[17] – Recognition and enforcement of measures applied by the arbitral tribunal to secure an arbitration claim

1. Measures to secure an arbitration claim applied by the arbitral tribunal shall be binding and, they shall be enforced under the procedure established by the Law of Georgia on Arbitration.

2. A written arbitration award on application of measures to secure the arbitration claim by the arbitral tribunal shall be filed with the competent court for its recognition and enforcement under Article 44(2) of the Law of Georgia on Arbitration.

3. A court may request the party that has petitioned for the recognition and enforcement of the measures to secure the arbitration claim applied by the arbitral tribunal to provide appropriate security in connection with such measures.

4. Within 10 days after admitting an application of the party, the court shall deliver a ruling on the recognition and enforcement of the measures to secure the arbitration claim applied by the arbitral tribunal, unless there are grounds provided in Article 22 of the Law of Georgia on Arbitration.

5. The court judgment provided for in paragraph 4 of this article shall be final and may not be appealed.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 356[18] – Securing an arbitration claim by a court

1. If the parties have concluded an arbitration agreement, based on the application of an arbitration claimant, a court may apply provisional measures against the arbitration claim.

2. To secure an arbitration claim, procedures established under Chapter XXIII of this Code shall apply, except for Article 198(2)(f) and (i), taking into consideration the special aspects of the international arbitration proceedings.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 356[19] – Assistance provided by the court in taking evidence and securing the attendance of a witness

1. If an arbitral tribunal, on its own initiative or at the request of parties, requests assistance from a court in taking evidence, procedures laid down under Chapter XIV of this Code shall apply.

2. An arbitral tribunal may request the court to secure the attendance of a witness.

3. In the cases provided in paragraph 2 of this article, the court shall act according to Article 145 of this Code.

4. A court ruling on taking evidence and securing the attendance of a witness shall be final and may not be appealed.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Chapter XLIV[4] – Compulsory Enforcement of an Arbitration Award and Issuance of a Writ of Execution

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[20] – Recognition and enforcement of an arbitration award

A judgment on the recognition and enforcement of an arbitration award shall be delivered after the interested party files a corresponding petition.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[21] – Judgment on the recognition and enforcement of an arbitration award

1. The party that petitions for the recognition and enforcement of an arbitration award shall submit a duly certified original or copy of the arbitration award, as well as of the arbitration agreement. If the arbitration award or the arbitration agreement is not in the Georgian language, the party shall also submit a duly certified Georgian translation of this document.

2. The issues relating to the recognition and enforcement of an arbitration award shall be reviewed without an oral hearing. A court may order also an oral hearing, if so required and if it facilitates the establishment of the circumstance of the case. If an oral hearing is ordered, the parties shall be notified of the time and place of the hearing; however, their failure to appear shall not preclude the court from reviewing and deciding the matter at hand.

2[1]. A petition of a party for recognition and enforcement of an arbitration award shall be sent to the party against which this arbitration award has been delivered. This party may, within seven days after notification, file an application provided for in Article 45(1)(a) of the Law of Georgia on Arbitration. The court may, by a ruling, reject the application of the party to refuse the recognition and enforcement of the arbitration award delivered in Georgia if the party's appeal to reverse the arbitration award on the same ground for which the party requested the refusal of recognition and enforcement of the arbitration award was dismissed, or if the party failed to appeal against the arbitration award within the time limit determined under Article 42(3) of the Law of Georgia on Arbitration. This ruling is final and may not be appealed.

3. A judgment on the recognition and enforcement of an arbitration award shall be delivered in the form of a ruling not later than 30 days after the application provided for in paragraph 2[1] of this article is submitted, or the seven-day time limit determined for the submission expires (whichever occurs earlier). This time limit may not be extended, except as provided in Article 45(3) of the Law of Georgia on Arbitration.

4. Along with a ruling on the enforcement of an arbitration award, a party shall be provided with a writ of execution.

5. A ruling on the enforcement of an arbitration award shall be considered delivered and a court shall be obliged to immediately deliver to the interested party a writ of execution if the time limits provided in paragraph 3 of this article have been breached.

6. A ruling on the enforcement of an arbitration award shall be final and may not be appealed.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 4046 of 15 December 2010 – LHG I, No 76, 29.12.2010, Art. 492

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 356[22] – Recognition and enforcement of foreign arbitration awards

A foreign arbitration award shall be recognised and enforced according to procedures prescribed by the Law of Georgia on Arbitration.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Article 356[23] – Refusal to recognise and enforce an arbitration award

A court shall refuse to recognise and enforce an arbitration award only in cases directly provided by the Law of Georgia on

Arbitration.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Chapter XLIV^{5} – Reversing an Arbitration Award

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Article 356^{24} – Appealing an arbitration award

1. Based on the grounds defined under the Law of Georgia on Arbitration, an arbitration award shall be reversed by filing an appeal with a court.

1^{1}. If the judgment on recognition and enforcement of an arbitration award delivered in Georgia has been passed by a court of Georgia, an appeal to reverse the arbitration award on the same ground due to which the party requested the refusal of the recognition and enforcement of the arbitration award shall not be admitted; however, if the appeal is admitted, the proceedings on this appeal shall be terminated.

2. The court shall be obliged to review the appeal and deliver a reasoned judgment within 30 days after admitting the appeal.

3. The court that was petitioned for reversal of an arbitration award may, based on the petition of a party, suspend the review of the reversal of the award for not more than 30 days after admitting the appeal in order to allow the arbitral tribunal to renew the arbitration proceedings or to take any such action which, at the discretion of the arbitral tribunal, is necessary to eliminate the grounds for reversal of the award. The court shall, by a court notice, inform the arbitral tribunal of the suspension of the review on the above grounds within three days after suspending the review.

4. If appeal is filed, the enforcement of an arbitration award shall not be suspended. On the petition of a party, the court may suspend the enforcement of the arbitration award for not more than 30 days after admitting the petition, provided that appropriate security is provided.

Law of Georgia No 1281 of 19 June 2009 – LHG I, No 13, 2.7.2009, Art. 64

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Law of Georgia No 3220 of 18 March 2015 – website, 26.3.2015

Section Seven^{2}

(Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Chapter XLIV^{6} – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[25] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[26] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[27] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[28] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[29] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[30] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[31] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[32] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Chapter XLIV[7] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[33] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[34] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[35] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Chapter XLIV[8] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[36] – (Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Article 356[37] – Deleted)

Law of Georgia No 5665 of 28 December 2011 – website, 11.1.2012

Law of Georgia No 3096 of 19 February 2015 – website, 27.2.2015

Section Seven[3]

Legal Proceedings for the Matters Relating to Discrimination

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Chapter XLIV[9] – Legal Proceedings for the Matters Relating to Discrimination

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Article 363[1] – Admissibility of a claim

A claim relating to discrimination may be reviewed according to the procedures prescribed in this chapter, unless otherwise provided by this Code.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Article 363[2] – Filing a claim with a court

1. Any person who considers himself/herself a victim of discrimination may file a claim with a court against the person/institution that, in his/her opinion, has discriminated against him/her. A case review by the Public Defender of Georgia or by another person or agency shall not be a mandatory pre-condition for filing a claim with the court.

1[1]. The Public Defender of Georgia may, when discharging a supervising function imposed on him/her by the legislation of Georgia over the issues of elimination of all types of discrimination and insurance of equality, as a claimant, file a claim under this Code with a court if a legal person, another organisational formation, an association of persons without forming a legal entity, or an entrepreneurial entity has failed to respond to his/her recommendation or failed to share this recommendation and there are sufficient evidence to confirm the discrimination.

2. A claim may be filed with a court within one year after a person becomes aware or a person ought to have become aware of a circumstance that he/she assumes to be discriminating.

2[1]. A person considering himself/herself to be a victim of discrimination shall have the right to file a claim with a court even when the labour relations, during which a discriminating act was committed against him/her, are completed.

3. In a claim under this article, a person may request;

a) termination of the discriminating action and/or elimination of the results of such action;

b) compensation for moral and/or material damage.

4. The Public Defender of Georgia may file a claim with a court and demand that a legal person, another organisational formation, an association of persons without forming a legal entity, or an entrepreneurial entity, who, by presumption of the Public Defender of Georgia, has committed a discriminating act and has failed to respond to his/her recommendation or has failed to share this

recommendation, follow his/her recommendation.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Law of Georgia No 4551 of 3 May 2019 – website, 10.5.2019

Article 363^3 – Burden of proof

When filing a claim, a person shall present to the court those facts and evidence that provide grounds to assume that a discriminating action has been committed. After this, the burden of proof that that he/she has not committed the discriminative action shall be imposed on the defendant.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Article 363^4 – Admitting a claim

1. A court shall decide whether to admit a claim within three days after the claim has been filed.

2. A claim shall be filed with a court in compliance with the requirements laid down in this Code.

3. If a claim has not been filed in compliance with the requirements of the legislation of Georgia, the court shall establish the deficiency and give the plaintiff reasonable time (three days at least) to correct it. If the deficiency has been corrected within the set time limits, which shall be at least three days,, the court shall admit the claim. If the deficiency has not been corrected, the court shall deliver a ruling refusing to admit the claim, and shall return to the plaintiff the claim and the enclosed documents.

4. A court ruling refusing to admit a claim may be appealed with a complaint subject to a time limit within three days after the ruling has been communicated to the plaintiff according to the procedures prescribed by the legislation of Georgia.

5. After a claim has been admitted, copies of the claim and of the enclosed documents shall immediately be sent to the defendant according to the procedure prescribed by the legislation of Georgia. The defendant shall have 10 days for filing an answer.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Article 363^5 – Court judgment

1. A court shall deliver a judgment confirming the fact of discrimination and on full or partial satisfaction of the claim of the victim of discrimination, or a judgment on refusing to satisfy the claim of the victim of discrimination.

2. On the basis of an application by the Public Defender of Georgia with regard to a discrimination case, the court shall pass a judgment on confirming the fact of discrimination and enforcing a recommendation issued by the Public Defender of Georgia in relation to a legal person, another organisational formation, an association of persons without forming a legal entity, or an entrepreneurial entity, or a judgment on refusing to grant the claim of the Public Defender of Georgia.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Law of Georgia No 4551 of 3 May 2019 – website, 10.5.2019

Article 363^6 – Appealing court judgments

1. A party may appeal a court judgment delivered under Article 363^5 of this Code to a court of appeals according to the procedures prescribed by the same Code.

2. Within three days after an appeal has been filed, the court of appeal shall check its admissibility and deliver one of the following decisions:

a) on delivering a ruling leaving appeal unheard, which may be appealed by a complaint subject to a time limit;

b) on granting leave to the appeal.

3. Within one month after admitting an appeal, the court of appeal shall review the appeal in oral hearing and deliver one of the following decisions on:

a) allowing of the appeal in full or in part;

b) dismissing the appeal.

4. If a complaint subject to a time limit filed against the court ruling refusing leave to the claim has been satisfied, the court of appeal shall refer the case back to the court of first instance.

Law of Georgia No 2392 of 2 May 2014 – website, 7.5.2014

Section Seven[4]

Recognising Persons as Having Limited Legal Capacity and Declaring Them as Beneficiaries of Support

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Chapter XLIV[10] – Recognising Persons as Having Limited Legal Capacity

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[7] – Admissibility of an application

An application for recognising a person as having limited legal capacity shall be reviewed as determined by this chapter, unless otherwise provided by this Code.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[8] – Filing an application with the court

1. A family member of a person that abuses alcohol or a narcotic substance thereby putting his/her family in a serious financial situation, or a guardianship and custodianship authority may file an application with the court for recognising the person as having limited legal capacity.

2. An application for recognising a person as having limited legal capacity shall be filed with the court according to the place of residence of this person; and if the person is put in a health care facility, the application shall be filed according to the location of the health care facility.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[9] – The content of an application

An application for recognising a person that abuses alcohol or a narcotic substance as having limited legal capacity shall include the circumstances proving that this person puts his family in a serious financial situation.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[10] – Reviewing an application

1. A court shall review a case on recognising a person as having limited legal capacity with the mandatory participation of this person and the representative of a guardianship and custodianship authority.

2. An applicant shall be exempt from payment of the court costs associated with the review of a case on recognising a person as having limited legal capacity.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[11] – The court judgment

A court judgment on recognising a person as having limited legal capacity shall serve as the basis for a guardianship and custodianship authority to assign a custodian for the person.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[12] – Revoking the recognition of a person as having limited legal capacity

In the case provided for by Article 14(3) of the Civil Code of Georgia, based on the application of a person with limited legal capacity, his/her custodian or family member, the court shall deliver a judgment on revoking the recognition of this person as having limited legal capacity.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Chapter XLIV[11] – Declaring Persons as Beneficiaries of Support

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[13] – Admissibility of an application

An application for declaring a person as a beneficiary of support shall be reviewed as determined by this chapter, unless otherwise provided by this Code.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[14] – Filing an application with court

1. An application for declaring a person as a beneficiary of support may be filed with the court by this person, his/her family member, his/her legal representative, or a guardianship and custodianship authority, or a psychiatric or a specialised facility.

2. An application for declaring a person as a beneficiary of support shall be filed with the court according to the place of residence of this person; and if the person is put in a health care facility, the application shall be filed according to the location of the health care facility.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{15} – The content of an application

1. An application for declaring a person as a beneficiary of support shall include:

a) the name of court with which an application is filed;

b) the area in which a person needs support; and the need for supporting a person to prevent damage to him/her;

c) facts and circumstances on which an applicant relies his/her request;

d) the evidence proving the circumstances specified by an applicant and the fact that the applicant suffers from fixed psychiatric, mental/intellectual disorders which, when interacting with various impediments, may prevent him/her from fully and effectively participating in social life under equal conditions;

e) an applicant's request;

f) an applicant's petition, if any.

2. An applicant shall submit to court the opinions of a psychiatrist, a psychologist and a social worker on the mental condition and social adaption of the person, if any.

3. The support may be established for a person to carry out labour activities, conclude minor agreements, conduct entrepreneurial activities, manage/dispose of immovable property, determine a place of residence, express consent to medical treatment, or prevent damage to him/her and to exercise other rights and obligations defined by the court based on the individual examination of the person.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{16} – Admitting an application

1. An application for declaring a person as a beneficiary of support shall be reviewed by the court according to the procedures established by this Code, unless otherwise provided for by this chapter.

2. The court shall review the issue of admitting the application within five days after it is filed.

3. If an application is filed with the court in breach of the requirements of the legislation of Georgia, the court shall identify the breach and set a reasonable time limit for the applicant to remedy the breach, which may not be less than three days. If an applicant remedies the breach within the set time limit, the court shall admit the application; and if an applicant fails to remedy the breach, the court shall deliver a ruling on refusing to admit the application, and shall return the application and the attached documents to the applicant.

4. The court ruling on refusing to admit the application may be appealed through a procedural appeal.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{17} – Provisional support

1. The court may, at the request of an applicant, appoint a provisional supporter before the end of proceedings if it believes that a person, whose declaration as a beneficiary of support is under review, can suffer an irreversible damage.

2. A provisional supporter may be a family member, a relative or a friend of a person, or an expert.

3. The court shall hold an oral hearing on an application for establishing provisional support within five days after filing the application. Failure of any party to appear shall not preclude the court from reviewing and making decision on the issue of establishing provisional support.

4. The court ruling on establishing provisional support may be appealed through a procedural appeal.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{18} – Reviewing an application

1. The court shall review a case on declaring a person as a beneficiary of support with the mandatory participation of this person and the representative of a guardianship and custodianship authority.

2. If a person, whose declaration as a beneficiary of support is under review, cannot attend the hearing due to the health condition his/her participation shall be ensured by using an electronic or other means of communication to enable the judge to directly contact this person. In such a case, it is mandatory to record the court hearing as a video file. The participation of the person in the hearing by using an electronic or other means of communication shall be entered in the Minutes of the Hearing.

3. If a person whose declaration as a beneficiary of support is under review fails to appear, the court shall postpone the review of the case for another time. In this case, the court may not deliver a judgment *in absentia*.

4. An applicant shall be exempt from payment of the court costs associated with the review of the case on declaring a person as a beneficiary of support.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{19} – Mandatory defence

A person whose declaration as a beneficiary of support is under review shall have a lawyer.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363^{20} – Ordering an expert examination for the individual examination of persons in psychosocial need

1. Upon admitting an application under Article 363^{16} of this Code, the court shall order an expert examination according to the Law of Georgia on Conducting Expert Examinations Based on Psychosocial Needs.

2. In special cases, when a person whose declaration as a beneficiary of support is under review evidently avoids an expert examination, the court may, on the motion of a Legal Entity under Public Law – the Levan Samkharauli National Forensics Bureau, at its hearing with the mandatory participation of the representative of a guardianship and custodianship authority and of this person's lawyer, deliver a ruling on compulsory sending of the person to have an expert examination based on the psychosocial need.

3. The compulsory expert examination under paragraph 2 of this article shall be conducted only if the person, whose declaration as a beneficiary of support is under review, by his/her actions inflicts substantial harm to his/her rights or the rights of others.

4. All experts and members of the multidisciplinary team, whose opinions are included in the case materials, shall be questioned at the hearing.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[21] – The court judgment

1. A court judgment on declaring a person as a beneficiary of support shall be the ground for assigning a supporter (supporters) for this person.

2. The following shall be specified in the court judgment:

a) the right for exercising of which the support is established for a person; and the limits of the support;

b) the rights and duties of a supporter (supporters);

c) the frequency of reporting by a supporter (supporters) to a guardianship and custodianship authority, which must not exceed six months;

d) the time limit of the support and the frequency of revising it, which must not exceed five years;

e) other circumstances necessary to support a person.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[22] – The court ruling on termination of proceedings relating to the application

The proceedings relating to the application for declaring a person as a beneficiary of support shall be terminated if the opinion issued by a Legal Entity under Public Law – the Levan Samkharauli National Forensics Bureau is negative.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[23] – Changing the limits of the support; cancelling the support

1. If there is a ground for changing the limits of the support for a person, the court shall deliver a judgment on changing the limits of the support for this person on the basis of an application of the beneficiary of support, his/her family member, the supporter (supporters), the psychiatric treatment facility, or the guardianship and custodianship authority, and the report of an expert examination conducted according to the Law of Georgia on Conducting Expert Examinations Based on Psychosocial Needs.

2. If the ground for continuing to support a person ceases to exist, the court shall deliver a judgment on cancelling the support for this person on the basis of an application of the beneficiary of support, his/her family member, the supporter (supporters), the psychiatric treatment facility, or the guardianship and custodianship authority, and the report of an expert examination conducted according to the Law of Georgia on Conducting Expert Examinations Based on Psychosocial Needs.

3. When periodically revising the judgment on declaring a person as a beneficiary of support, the court shall deliver a judgment on cancelling the support for the person if there is an appropriate ground for it.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 363[24] – Appealing the court judgment

1. A party has the right to appeal a court judgment delivered under Article 363[21] of this Code to the Court of Appeals according to the procedures established by the Code.

2. The Court of Appeals shall, within five days after the appeal is filed, check its admissibility and shall make one of the following judgments:

a) delivers a ruling on dismissing the appeal, which may be appealed through a procedural appeal;

b) admits the appeal for examination.

3. The Court of Appeals shall hold an oral hearing on the appeal within two months after admitting it, and shall make one of the following judgments:

a) grants the appeal, fully or in part;

b) refuses to grant the appeal.

4. If the procedural appeal against the court ruling on refusing to admit the appeal is granted, the Court of Appeals shall remit the case to the court of first instance.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Section Seven[5]

Special Aspects of Legal Proceedings of Cases Relating to the Infringement of Exclusive Rights in an Object of Intellectual Property

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Chapter XLIV[12] – Measures of Providing Evidence for Cases on the Infringement of Exclusive Rights in an Object of Intellectual Property, Rights to Obtain Information and Measures to Secure a Claim

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Article 363[25] – Definition of terms used in this chapter

The terms used in this chapter, for the purposes of this chapter, shall have the following meanings:

a) an object of intellectual property – a trademark, service mark, or a collective mark, registered design, invention or a useful model protected by patent, and an object protected by copyright or related rights protected in accordance with the legislation of Georgia;

b) the goods produced by violation of exclusive rights and/or put in the civil circulation:

b.a) with respect to a protected trademark, service mark and/or a collective mark (the trademark) – the goods and/or services, which contain marks identical or similar to a trademark or on which the mark identical or similar to a trademark is affixed, or which have the form identical or similar to a three-dimensional trademark, and the production, delivery, and the import and storage of which in the territory of Georgia, also the putting of which in the civil circulation, or the storage/ stocking of which for the purpose of putting in the civil circulation (placement for temporary storage), and/or any other use of which causes the violation of exclusive rights of a holder in the registered trademark, despite the place where the mark is affixed;

b.b) with respect to a registered design – product, in which design is included or for which it is used, and the production and delivery, and the import and storage of which in the territory of Georgia, also the putting of which in the civil circulation, or the storage/ stocking of which for the purpose of putting in the civil circulation (placement for temporary storage), and/or any other use of which causes the violation of exclusive rights of a holder of exclusive rights in the registered design;

b.c) with respect to an invention or a useful model protected by patent – any device or substance produced by violation of

exclusive rights related to patent, the production, and the import and storage of which in the territory of Georgia, also the putting of which in the civil circulation, or the storage/ stocking of which for the purpose of putting in the civil circulation (placement for temporary storage), and/or any other use of which causes the violation of exclusive rights of a holder of patent; any equipment or substance produced using a method protected by patent, the production, and the import and storage of which in the territory of Georgia, also the putting of which in the civil circulation, or the storage/ stocking of which for the purpose of putting in the civil circulation (placement for temporary storage), and/or any other use of which causes the violation of exclusive rights of a holder of patent;

b.d) with respect to an object protected by copyright or related rights – pirated copies defined by the Law of Georgia on Copyright and Related Rights.

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Article 363^{26} – Scope of regulation

The procedures defined by this Code shall apply to cases related to the infringement of exclusive rights in an object of intellectual property, in view of special aspects determined by this chapter.

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Article 363^{27} – Measures of providing evidence for cases relating to the infringement of exclusive rights on an object of intellectual property

1. A court shall be entitled to deliver a ruling on the use of measures of providing evidence on the basis of the motion filed by a holder of exclusive rights in an object of intellectual property for the purposes of retaining the evidence, if there is threat that such evidence may be destroyed.

2. Measures of providing evidence may involve detailed description of devices/material, equipment or a component of the equipment for production/reproduction of goods or of devices/material for the evasion of the use of technological means in production of the goods with regard to which exclusive rights in an object of intellectual property has been allegedly infringed, and/or of the documentation related to eligible violation of law, with or without sampling. Meanwhile, if evidence cannot be provided using the mentioned measures, seizure may also be applied.

3. A court shall be entitled to use several measures referred to in paragraph 2 of this article simultaneously.

4. A court shall be entitled to use the measures provided for by this article without having heard the person against whom there is reasonable presumption that he/she has infringed exclusive rights in an object of intellectual property, if there is reasonable presumption that disproportional damage may be incurred to a holder of such rights, and/or where there is clear threat that such evidence may be destroyed.

5. A court shall immediately inform the person against whom the measures under this article shall be applied, on the measures to be applied against him/her no later than 48 hours from the application of such measures.

6. A holder of exclusive rights in an object of intellectual property shall be entitled to request the use of measures to provide evidence under this article, if he/she justifies the necessity of using the said measures for identifying the fact of infringement or eligible infringement of his/her exclusive rights.

7. Procedures for the compensation of expenses related to the provision of evidence shall be determined, and the delivered ruling on the provision of evidence shall be appealed in accordance with Articles 118 and 119 of this Code.

8. A ruling on the motion with regard to the provision of evidence shall be delivered by a judge within five working days.

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Article 363 – Right to obtain information

1. During the legal proceedings relating to cases on the infringement of exclusive rights in an object of intellectual property, and on the basis of proportionate and reasonable claim of a holder of exclusive rights in the object of intellectual property, a court shall be entitled to:

a) request a person, against whom there is reasonable presumption that he/she has infringed exclusive rights, to provide information, which may include information on the origin and/or sales network of the goods produced by infringement of exclusive rights and/or put in the civil circulation. The obligation to provide information may also include the obligation to submit financial documents related to the violation of law;

b) request the provision of information referred to in sub-paragraph (a) of this paragraph to a person against whom there is reasonable presumption that he/she has offered, taken, held and/or used the goods produced by infringement of exclusive rights and/or put in the civil circulation. The obligation to provide mentioned information shall also apply to other persons who have offered, taken, held and/or used the goods produced by infringement of exclusive rights and/or put in the civil circulation, except for the case where such action(s) were carried out for the own benefit.

2. Information referred to in paragraph 1(a) of this article shall include a full name and address of the manufacturer, producer, distributor, supplier and/or a full name and address of the previous holder of the goods, wholesale and/or retail seller (whom such goods belong and by which exclusive rights are eligibly infringed), as well as information on the quantity and price of the goods produced, manufactured, delivered, received or ordered.

3. Information obtained as a result of the use of measures under this article shall be confidential and it shall be impermissible to disclose such information.

4. Expenses related to the provision of information under this article shall be compensated by a person who has applied to a court with a motion to provide such information. The opposing party shall be authorised to claim the compensation of expenses incurred by him/her for the provision of information. Such expenses shall be finally distributed upon the delivery of the judgment on the merits of a case by a court.

5. It shall not be permitted to appeal against the ruling on the provision of information. A separate claim may be lodged against the ruling on the refusal to provide information.

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

Article 363^{29}– Measures to secure a claim in cases relating to the infringement of exclusive rights in an object of intellectual property

1. On the basis of the application of a holder of exclusive rights in an object of intellectual property, a court shall have the right:

a) to deliver a ruling on the seizure of movable and/or immovable property (including bank accounts and other assets) of the person, against whom there is reasonable presumption that he/she has infringed exclusive rights at commercial scale, if there is threat that the claim on the compensation of damage for the holder of exclusive rights may not be granted. For this purpose a court, on the basis of the motion of a holder of exclusive rights, shall request from a person who has allegedly infringed exclusive rights, the banking, or financial and/or commercial documents/information. Such documents/information may be introduced only to a court. A court shall be authorised to forward documents /information received for the purposes of the identification of the subject of seizure to an independent expert appointed by the court. Information obtained as a result of the application of measures defined by this sub-paragraph shall be confidential and it shall be impermissible to disclose such information;

b) not to allow the person against whom there is reasonable presumption that he/she has infringed exclusive rights, to carry out the action by which exclusive rights are infringed;

c) to require from the person against whom there is reasonable presumption that he/she has infringed exclusive rights, instead of not allowing him/her to carry out the action under sub-paragraph (b) of this paragraph, to present appropriate security of a claim.

2. A court shall be authorised to use several measures defined by paragraph 1 of this article simultaneously.

3. The measures defined by paragraph 1 of this article may also be used against those persons whose services are or were used for

the infringement of exclusive rights at commercial scale.

4. If a court considers that by applying measures to secure a claim, a person, against whom there is reasonable presumption that he/she has infringed exclusive rights, the court shall be authorised to apply measures to secure a claim and meanwhile to require from a holder of exclusive rights to ensure the compensation of possible damages in favour of the opposing party. The court may also be authorised to require the submission of a guarantee to secure a claim on the basis of the application by the opposing party.

5. The requirements provided for by Chapter XXIII of this Code shall apply to cases related to the infringement of exclusive rights in an object of intellectual property.

Law of Georgia No 1919 of 23 December 2017 – website, 11.1.2018

[Section Seven[6]

Participation of the Court in the Enforcement of a Mediation Settlement Agreement

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Chapter XLIV[13] – Enforcement of a Mediation Settlement Agreement

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 363[30] – Insurance of a mediation settlement agreement by the court

1. A party may, before judicial mediation or private mediation begins, and/or during the mediation process, file an application with a court for applying a measure for securing a mediation settlement agreement.

2. If within 10 days after the application for applying a measure for securing a mediation settlement agreement is granted, a person filing the application fails to refer to judicial mediation or private mediation and fails to submit to the court an appropriate document proving the referral to the mediation, or if within 10 days after the mediation ends (to be proved by an appropriate document), a party fails to file a claim with the court/fails to apply to the court for resuming the proceedings, the court shall, at its own initiative or on the motion of the party, deliver the ruling on cancelling the application of the measure for securing the mediation settlement agreement.

3. In the case of application to the court for filing a claim/resuming the proceedings within 10 days after the mediation ends, a measure for securing a mediation settlement agreement applied by the court shall be transformed into a measure for securing a claim.

4. Procedures established by Chapter XXIII of this Code shall apply to the security of a mediation settlement agreement, considering the peculiarities of this article.

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 363[31] – Consideration of the issue of enforcing a mediation settlement agreement

1. A court may, on the basis of the application of any or both parties, consider the issue of enforcing the mediation settlement agreement concluded as a result of mediation.

2. If a mediation settlement agreement was prepared as a result of the judicial mediation, the issue of its enforcement shall be considered by a court that has referred the case to a mediator with a view of concluding the dispute by agreement between the

parties, and if a mediation settlement agreement was prepared as a result of the private mediation, the issue of its enforcement shall be considered by a district (city) court according to the place of residence/legal address of the applicant.

3. If a mediation settlement agreement was prepared as a result of the judicial mediation, a party that applies to the court for enforcing the mediation settlement agreement shall submit the original copy of the mediation settlement agreement or its duly certified copy, and if a mediation settlement agreement was prepared as a result of the private mediation, this party shall also submit the agreement for mediation.

4. The issue of enforcing a mediation settlement agreement shall be considered without an oral hearing within 10 days after the application is accepted. The court may, within the same period, rule to hear the issue orally if this facilitates the clarification of the circumstances of the case. In this case, the issue of enforcing the mediation settlement agreement shall be considered within 30 days after the application is accepted. In the case this issue is considered orally, the parties shall be notified of the time and place for holding the session, but their failure to appear shall not impede consideration of the issue and making decision by the court.

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 363[32] – Refusal to enforce a mediation settlement agreement

The court shall refuse to enforce a mediation settlement agreement if the content of the mediation settlement agreement contradicts the legislation of Georgia or if, based on the content of the mediation settlement agreement, it cannot be enforced.

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 363[33] – Ruling on enforcing a mediation settlement agreement

1. The court judgment on the enforcement of a mediation settlement agreement shall be delivered in the form of a ruling. A party shall receive the writ of execution together with the ruling.

2. The court ruling on refusing to enforce the mediation settlement agreement may be appealed by an individual appeal.

3. The court ruling on enforcing the mediation settlement agreement shall be final and shall not be appealed.

4. A mediation settlement agreement, which is approved by the arbitration tribunal as an arbitration award, shall be enforced under the procedure established by the Law of Georgia on Arbitration for the recognition and enforcement of an arbitration award. ***(Shall become effective from 1 January 2020)]***

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Book Three

Appealing Court Judgments

Section Eight

Appeal

Chapter XLV – Admissibility of Appeal

Article 364 – Filing an appeal

The parties and third persons may appeal a judgment delivered by the court of first instance with an independent claim to the court of appeals within the time limits prescribed by law.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Article 365 – Value of the subject matter of an appeal

An appeal in a property dispute shall be admissible only if the value of the subject matter of the dispute exceeds GEL 2 000. This value shall be determined based on the extent to which the party requests that the judgment appealed be modified.

Law of Georgia No 1232 of 6 April 2005 – LHG I, No 18, 27.4.2005, Art. 109

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 366 – Inadmissibility to appeal a default judgment

1. A default judgment may not be appealed by the party against which the judgment has been delivered.

2. An appeal may be admitted only against such default judgment that has been delivered after repeated non-appearance due to which the judgment may not be appealed again to the court that has delivered it. Such judgment may be appealed in a court of appeal only on the grounds that there were no appropriate legal prerequisites for delivering a repeated default judgment.

Article 367 – Filing an appeal

An appeal shall be filed with the court that has delivered the judgment. An appeal shall meet the requirements of Article 177(2) and (3).

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Article 368 – Content of an appeal

1. An appeal shall contain:

a) name of the court to which the appeal is addressed;

b) name and address of the person filing the appeal;

c) exact name of the judgment being appealed and reference to the court that has delivered the judgment;

d) the part of the judgment that is appealed;

e) reference as to why the judgment is wrong and to the specific claims of the appellant;

f) reference to the circumstances substantiating the appeal, and to the evidence confirming these circumstances;

g) a list of written pleadings enclosed with the appeal;

h) reference as to whether or not the appellant wishes that the appeal be considered without an oral hearing;

[i) reference as to whether or not the appellant wishes that the dispute be considered through judicial mediation. ***(Shall become effective from 1 January 2020)]***

2. The appeal as well as the additional material shall be submitted to the court in as many copies as is the number of parties in the case.

3. The appeal shall be signed by the person filing it or by a representative.

4. If a document confirming the power is not enclosed with the case, a power of attorney confirming the representative's right to file an appeal shall be enclosed with an appeal filed by a representative.

5. If an appeal does not comply with the above requirements or state fees have not been paid, the court shall direct the person filing the appeal to correct the deficiency, within appropriate time limits set by the court. If the deficiency is corrected within the set time limit, the appeal shall not be admitted.

6. The court of appeal may notify the parties (their representatives) by phone of a deficiency established with regard to the appeal, if the deficiency concerns the form (and not content) of the appeal provided in paragraph 1(a-c), (g) and (h), as well as in paragraphs 2-4 of this article, or if a document certifying the payment of the state fees is not enclosed with the appeal. In the case of such notification, the ruling on the deficiency shall be deemed to have been delivered on the day when the party was contacted by phone.

[6. The court of appeal may notify the parties (their representatives) by phone of a deficiency established with regard to the appeal, if the deficiency concerns the form (and not content) of the appeal provided in paragraphs 1(a-c), (g-i) and 2-4 of this article, or a document certifying the payment of the state fees is not enclosed with the appeal. In the case of such notification, the ruling on the deficiency shall be deemed to have been delivered on the day when the party was contacted by phone. ***(Shall become effective from 1 January 2020)]***

7. A court may extend the time limit set by the court of appeal for correcting the deficiency in the appeal only at the request of th parties.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Law of Georgia No 4955 of 18 September 2019 – website, 27.9.2019

Article 369 – Time limits for filing an appeal

1. The time for filing an appeal shall be 14 days. This time limit may not be extended and restored, and it shall commence on the day when a reasoned judgment has been handed over to the party. The moment of handing over of the reasoned judgment shall be the moment when the copy of the reasoned judgment is served on the party according to Articles 70-78 or Article 259^1 of this Code, as well as after the time limits prescribed by Article 259^1(1) have expired.

2. If a person authorised to file an appeal is present during the announcement of the reasoned judgment, the time limit for filing an appeal shall start from the time when the judgment is announced.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 929 of 29 December 2004 – LHG I, No 41, 30.12.2004, Art. 207

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 370 – Waiver of the right to file an appeal

If after the court announces the judgment a party declares in writing to the court or to the adversary party about the waiver of the right to file an appeal, an appeal shall not be admitted.

Article 371 – Referring a case to a court of appeal

After receiving a notice of appeal, the court of first instance shall immediately, but not later than five days, refer to the court of appeal the entire case, as well as all additional materials received.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Chapter XLVI – Proceedings before the Court of Appeal

Article 372 – General provisions

A hearing at the court of appeals shall be conducted in compliance with the procedures prescribed for the proceedings in the court of first instance, as well as according to the amendments and additions provided in this chapter.

Article 373 – Preparation of a case for the main hearing before a court of appeals

1. A case shall be prepared for the main hearing by one of the judges of the court of appeals (the reporting judge), who shall check admissibility of the appeal and deliver a corresponding ruling, shall submit to the adversary party copies of the appeal and enclosed documents and set a time limit for the adversary party to submit a written response that shall contain answers to the following questions: whether the party agrees with the claims of the appeal; if it disagrees with the claims, on what grounds it bases its response; whether it intends to file a cross appeal, provide new facts and evidence, and if it intends to do so, what are the reasons due to which it failed to submit them during the hearing in the court of first instance; whether it desires to have the case reviewed without an oral hearing. The response shall comply with the requirements of Article 177(2) and (3). The court of appeals shall admit new facts and evidence in compliance with the requirements of Article 380 and 382.

2. The reporting judge may take other procedural actions provided by law which will facilitate quick and correct review of the case. The reporting judge may also appoint an advance first hearing according to Article 205 of this Code. The judge of the court of appeal shall take measures to ensure reaching an amicable settlement.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 374 – Review of the appeal's admissibility

1. Within 10 days after an appeal has been filed, the court of appeals shall review whether the appeal is admissible. If, after reviewing the appeal, it is discovered that the appeal is admissible, the court shall deliver a ruling granting leave to appeal. If one of the requirements for admitting an appeal has not been met, the court shall adopt a ruling leaving the appeal untried. A complaint subject to a time limit may be lodged against the ruling.

2. These rulings may be delivered by the court of appeals without an oral hearing.

3. If the appeal is not admitted, state fees that have been paid shall be refunded to the person.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 375 – Consequences of admitting an appeal

1. If there are all pre-conditions for an appeal and the court of appeals has granted leave to appeal, the entry into force of the appealed judgment shall be suspended as to the part in which it has been appealed.

2. If an appeal has been filed against a judgment that is to be immediately enforced, the court of appeals may temporarily suspend the enforcement and cancel measures relating to the enforcement. A corresponding ruling may be delivered without an oral hearing. The court may suspend the enforcement, cancel measures for enforcement, as well as continue the enforcement by requesting the provision of appropriate security.

Article 376 – Scheduling a hearing

By a ruling admitting an appeal, the court shall determine the time for oral hearing and notify the parties within three days after the ruling has been delivered. The court of appeal shall take all measures prescribed by law in order to ensure review of the appeal within the established time limits.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Article 376^1 – Reviewing a case without an oral hearing

1. If an appeal is based on a breach of law and requires reviewing the judgment (ruling) appealed only in legal terms, the court of appeals may review the case and deliver a judgment without an oral hearing, of which the parties shall be notified in advance. The court of appeals shall deliver a ruling on scheduling the time for reviewing the case without an oral hearing.

2. If an appeal requires reviewing the judgment (ruling) appealed not only in legal terms, but also on factual terms, but the appellant has not provided new facts and evidence or has provided new facts and evidence that are inadmissible according to Article 380(2) of this Code, the court of appeals may, with the written consent of the parties, review the case without an oral hearing, of which the parties shall be notified in advance.

3. If an appeal concerns the ruling delivered by the first instance court on the refusal to allow the appeal and the upholding the judgment in absentia, and if a case refers to the recovery of an item from illegal ownership and the disputes arisen from the agreements concluded by the banking institutions, microfinance organisations, and non-banking deposit institutions of Georgia – qualified credit institutions (including the ones made in an electronic form) on granting a loan (credit), the court of appeals can consider the case without oral hearing. Information about the consideration of the case without oral hearing must be

communicated to the parties in advance. Even under the above circumstances, the judge has the right to hear the case orally.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 2035 of 7 March 2018 – website, 29.3.2018

Article 377 – Scope of review of a judgment

1. The court of appeals shall review a judgment within the scope of an appeal on fact and law.

2. When reviewing a judgment on law, the court shall rely on the requirements of Articles 393 and 394.

3. Those decisions taken by the court of first instance prior to the court's final judgment may also be subject to the review of the court of appeals regardless of whether or not they may be challenged by way of filing a complaint subject to a time limit.

4. The court of appeal shall check if the case is within the substantive jurisdiction of the court and whether it has international jurisdiction with regard to the case in question.

5. The court of appeals shall check the jurisdiction of the court of the first instance only if so requested by the defendant. Such request shall be admissible, if it has been made by the defendant during the review of the case in the first instance, or if there is an excusable cause due to which such request could not be made before the court of prior instance.

Article 378 – Withdrawing an appeal

1. An appeal may be withdrawn before the court of appeals delivers a judgment.

2. If an appeal has been withdrawn, the court shall terminate the proceedings, and the party is deprived of the right to re-appeal the court judgment in a court of appeals.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 379 – Cross appeal

A respondent in the appeal may file a cross appeal within 10 days after the notice of appeal has been served on him/her, regardless of whether the respondent in the appeal has waived an appeal. If an appeal has been withdrawn or dismissed, the cross appeal shall cease to be effective.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 380 – New facts and evidence

1. When hearing a case at the court of appeals, new facts and evidence can be presented.

2. The court of appeal shall not admit new facts and evidence that the party may have submitted during hearing at the court of first instance, but failed to do so due to an inexcusable cause.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 381 – Modification and increasing subject matter of dispute

A subject matter of dispute may not be modified or increased, nor a cross appeal may not be filed with the court of appeals.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 382 – Examination of evidence

1. A court of appeals shall admit new evidence if it is essential to the case, taking into consideration the requirements of Article 380.

2. The court of appeal may in full or in part take into consideration the results of examination of evidence by the court of first instance.

Article 383 – Oral hearing

1. An oral hearing shall start with the statement of one of the members of the court of appeals.

2. The reporting judge shall present the details of the case, the operative part of the judgment of the court of first instance, after which the parties may file motions and provide evidence, after which the hearing of the opinions of the parties shall commence. If new evidence is admitted during the oral hearing, which does not cause a delay in the proceeding, the court shall set to the party reasonable time to state its opinion.

3. The court may, on the petition of a party or on its own initiative, review and examine the disputed evidence according to the procedure prescribed in this Code.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Chapter XLVII – Judgment of a Court of Appeals

Article 384 – Scope of the modification by the court of appeals

The court of appeals may modify the judgment of the court of first instance only within the scope requested by the parties.

Article 385 – Reversing a judgment and referring a case back for further hearings

1. The court of appeals shall reverse a judgment and refer the case back to the court of first instance for further hearings if:

a) under the circumstances provided in Article 394;

b) by the appealed judgment, the complaint against the default judgment was incorrectly refused leave;

c) the appealed judgment concerns only the admissibility of the claim;

d) the appealed judgment is a repeated default judgment that has been improperly delivered.

2. The court of appeals may not refer back a case and decide it on its own.

Article 386 – Judgment of the court of appeals

If an appeal is admissible and the case is not to be referred back to the court of the first instance, the court shall decide the matter on its own. The court of appeals shall, by its judgment, refuse to satisfy the appeal, or deliver a new judgment with regard to the case by modifying the judgment appealed.

Article 387 – Consequences of non-appearance of the parties

1. If the plaintiff in the appeal fails to appear at the oral hearing, the court of appeal may, at the request of the adversary party, deliver a default judgment dismissing the appeal.

2. If the respondent in the appeal fails to appear at the hearing, and if the plaintiff in the appeal petitions for a default judgment against the respondent in the appeal, the statements made by the plaintiff (in the petition) may be used by the court of appeal as grounds for its default judgment.

3. In all other cases, the rules governing default proceedings before the court of first instance laid down in this Code shall apply.

Article 388 – Referring a case back

After a judgment (ruling) enters into force at the court of appeals, the case shall be referred to the court of the first instance along with newly received material and the judgment (ruling) of the court of appeals.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Article 389 – Contents of an appellate judgment

1. The introductory part of the appellate judgment shall set out:

a) time and place of delivering the judgment;

b) name and composition of the court;

c) name of the person filing the appeal;

d) the judgment appealed.

2. Instead of the descriptive and reasoning parts, the appellate judgment shall, contain:

a) the actual claim of the person filing the appeal;

b) the reference to the findings of fact of the judgment appealed with regard to the circumstances of the case, depicting any possible changes or amendments;

c) the reasons for the modification of the judgment appealed. If the court of appeals agrees with the individual assessments of the court of the first instance with regard to the factual and/or legal aspects of the case, then the reference to these assessments shall substitute the reasons.

3. The operative part of the judgment shall contain a court's judgment allowing the appeal in full or in part, reference to the distribution of court costs as well as to the time limits and procedure for appealing the judgment.

Law of Georgia No 4209 of 29 December 2006 – LHG I, No 4, 12.1.2007, Art. 51

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Article 390 – Content of ruling by appeal court

1. The decision of a court of appeals by which a case is not ruled on its merits shall be delivered in the form of a ruling.

2. The introductory part of the ruling shall include:

a) the time and place of delivering the ruling;

b) the name and composition of the court;

c) the name of the person filing an appeal or a complaint subject to a time limit (complaint);

d) the judgment (ruling) appealed.

3. Instead of the descriptive and reasoning parts, the appellate ruling shall contain:

a) the actual claim of a person filing an appeal or a complaint subject to a time limit (complaint);

b) the reference to the findings of facts made in the appealed judgment with respect to the circumstances of the case;

c) the brief summary of the reasons for the repeal or upholding of the appealed decision. If the court of appeal agrees with the assessments and findings of the court of the first instance on fact and law of the case, then the reference to the assessments and findings shall substitute the summary of reasons of the court of appeals.

4. The operative part of the ruling shall include the court's decision allowing the appeal or the complaint subject to a time limit (complaint) in full or in part, or the decision dismissing the appeal or the complaint subject to a time limit (complaint), the reference to the distribution of the court costs and to the time limits and procedures for appealing the judgment.

Law of Georgia No 4209 of 29 December 2006 – LHG I, No 4, 12.1.2007, Art. 51

Section Nine

Appeal on Points of Law

Chapter XLVIII – Admissibility of Cassation

Article 391 – Filing a cassation appeal

1. The parties and third persons may appeal judgments of the court of appeals with an independent claim to the court of cassation within time limits set by law.

1^1. A cassation appeal shall be filed with the court that rendered the judgment. A cassation appeal shall comply with the sample approved by the High Council of Justice of Georgia and shall be compiled in writing, and, as a rule, in printed form, in compliance with the rules indicated in the sample. A cassation appeal shall fully and consistently reflect the appellant's opinion concerning the

court judgment being appealed.

2. (Deleted).

3. The values of the subject matter of the cassation appeal shall be determined based on the extent to which the party requests that the appealed judgment be modified. If the amount of this value raises doubts, the person filing the cassation appeal shall demonstrate to the satisfaction of the court the value of the subject matter of the appeal.

4. In non-property disputes, a cassation appeal may be admitted with regard to disputes relating to freedom of speech and expression.

5. A cassation appeal in property and non-property disputes shall be admissible if the appellant proves that:

a) the case represents a legal problem and resolving it would contribute to the development of law and the establishment of uniform judicial practice;

b) the Supreme Court of Georgia has not delivered a decision on a similar legal issue before;

c) it is probable that, as a result of considering the cassation appeal, the Supreme Court of Georgia delivers a decision concerning the given case that would differ from the previously existing practice concerning similar legal cases;

d) the decision of a court of appeals differs from the previously existing practice of the Supreme Court of Georgia concerning similar legal cases;

e) a court of appeals has reviewed the case in substantial violation of substantive and/or procedural law norms, and this could have affected the outcome of reviewing the case;

f) the decision of a court of appeals contradicts the Convention for the Protection of Human Rights and Fundamental Freedoms and/or the case law of the European Court of Human Rights concerning similar legal issues;

g) a second default judgment of the court of appeals or a judgment of the court of appeals on confirming the default judgment is being appealed.

6. The overall time limit for admitting a cassation appeal for a civil case and adopting a judgment shall be six months, and for a case on recovery of the property from illegal ownership – two months.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 1232 of 6 April 2005 – LHG I, No 18, 27.4.2005, Art. 109

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Law of Georgia No 259 of 6 February 2017 – website, 13.2.2017

Article 391[1] – Referring a case to the Grand Chamber of the Supreme Court of Georgia

1. The court hearing an appeal on points of law may, by a reasoned judgment, refer the case to the Grand Chamber of the Supreme Court of Georgia, if:

a) the content of the matter is characterised by rare difficulties in law;

b) the cassation chamber does not agree with the legal evaluation (interpretation of the norm) previously made by another cassation chamber;

c) the cassation chamber does not agree with the legal evaluation (interpretation of the norm) previously made by the Grand Chamber;

2. A case shall be heard at the Grand Chamber of the Supreme Court of Georgia on points of law according to this Code and the Organic Law of Georgia on Common Courts.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 2261 of 4 December 2009 – LHG I, No 41, 8.12.2009, Art. 305

Article 392 – Inadmissibility of appealing a default judgment

1. A default judgment may not be appealed on points of law by the party against whom the judgment has been delivered.

2. A cassation appeal shall be admissible against such default judgment that has been delivered after the repeated non-appearance, due to which the decision cannot not be appealed again to the court that has delivered it. The judgment may be appealed on points of law only on the grounds of absence of appropriate legal prerequisites.

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Article 393 – Grounds for a cassation appeal

1. A cassation appeal may be based only on the fact that the decision has been delivered in violation of the law.

2. Legal norms shall be considered violated, if the court:

a) has not applied the law that it should have applied;

b) has applied the law that it should not have applied;

c) has interpreted the law incorrectly.

3. The breach of procedural legal norms shall serve as grounds for reversing a decision only when this breach resulted in a wrong decision in the case.

Article 394 – Absolute grounds for reversing a decision

A decision shall always be considered to have been delivered in violation of the law, if:

a) the composition of the court of decision was not compliant with the relevant provisions;

b) the court heard the case in the absence of one of the parties which has not been notified according to law, or in the absence of the party's legal representative, if such representation was stipulated by law, unless such legal representative approves the litigation;

c) the decision was delivered on a case that is not under the substantive jurisdiction of the court;

d) the decision has been delivered based on a hearing for oral argument in which the procedures for admission of the public to the proceedings were violated;

e) the decision does not set out the legal reasons for the judgment;

e^1) the reasons provided are incomplete to such extent that it is impossible to checking its legal grounds;

f) the judgment is not signed by the judges that are referred to in the judgment;

g) the decision was delivered by the judges who previously participated in the hearing of this case;

i) the records of the hearing of the court of appeal are not enclosed to the case file.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 395 – (Deleted)

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Law of Georgia No 259 of 6 February 2017 – website, 13.2.2017

Article 396 – Contents of a cassation appeal

1. A cassation appeal shall include:

a) name of the court to which the appeal is addressed;

b) name and address of the person filing the appeal;

c) exact name of the judgment appealed and a reference to the court delivering this judgment;

d) reference to the part of the judgment that is appealed;

e) reference to the extent to which the judgment is being appealed, to the grounds for appeal (reasons for cassation) and explanations as to whether the plaintiff requests reversal or modification of the judgment (notice of cassation);

f) reference to the facts and evidence that confirm the breach of norms of procedural law, provided the cassation appeal is based on the breach of procedural norms;

g) list of written pleadings enclosed with the cassation appeal;

h) signature of the person filing the cassation appeal.

2. A power of attorney confirming the power of a representative to file a cassation appeal shall be enclosed with the cassation appeal, unless a document confirming such power is enclosed with the case file.

3. If a cassation appeal does not meet these requirements or if state fees have not been paid, the court shall direct the person filing a cassation appeal to correct the deficiency, for which the court shall give him/her a time limit. If, within this time, the deficiency has not been corrected or the cassation appeal has not been filed within the statutory period, the cassation appeal shall be dismissed.

4. Within 10 days after a cassation appeal has been submitted, the reporting judge shall check whether the cassation appeal has been filed in compliance with the requirements of this article. The reporting judge shall decide the above matters without an oral hearing.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 259 of 6 February 2017 – website, 13.2.2017

Article 397 – Time limits for filing a cassation appeal

1. The time limit for filing a cassation appeal shall be 21 days. This period may not be extended (restored) and it shall commence upon a judgment having been served on the party.

2. If the person entitled to file a cassation appeal is present during the announcement of the reasoned judgment, the time limit for filing the cassation appeal shall commence upon the appeal having been announced.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 929 of 29 December 2004 – LHG I, No 41, 30.12.2004, Art. 207

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 398 – Referring a case to the court of cassation

After receiving a cassation appeal, the court of appeals shall immediately refer the cassation appeal and the entire case to the court of cassation.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Chapter XLIX – Proceedings at the Court of Cassation

Article 399 – General provisions

Proceedings at the court of cassation shall be conducted in compliance with the procedures prescribed for the proceedings at the court of appeals, except for the particular cases provided in this chapter.

Article 400 – Service of a cassation appeal on the other party, response to the cassation appeal

After admitting a cassation appeal the court shall send copies of the cassation appeal and of the enclosed documents to the other party and set a time limit for the party to respond in writing to the cassation appeal.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 401 – Reviewing admissibility of a cassation appeal

1. A judicial panel shall review the admissibility of a cassation appeal in accordance with the requirements established by Article 391 of this Code. The judicial panel may decide this matter without an oral hearing.

2. A court shall render a reasoned ruling on the recognition of a cassation appeal as inadmissible. The ruling shall contain a reasoned rebuttal of the grounds of admissibility indicated by the appellant.

3. A cassation court shall examine the admissibility of a cassation appeal under the requirements established by Article 391 of this Code within three months, and for a case on recovery of the property from illegal ownership – within one month after the receipt of the cassation appeal. If the cassation appeal meets the above requirements, it shall be considered admissible.

4. If the cassation appeal has been overruled as inadmissible, 70% of the state fees paid shall be refunded to the person.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 4626 of 11 December 2015 – website, 29.12.2015

Law of Georgia No 259 of 6 February 2017 – website, 13.2.2017

Article 402 – Consequence of admitting a cassation appeal

1. If there exist all pre-conditions for a cassation appeal and the court of appeal grants leave to appeal, the entry into force of the judgment appealed shall be suspended with regard to the part that is being appealed.

2. If a judgment that is to be immediately enforced is being appealed, the court of cassation may temporarily suspend enforcement and cancel measures relating to the enforcement.

3. A judgment on this matter may be delivered without an oral hearing, by requesting the provision of appropriate security.

[Article 402[1] – Applying to the European Court of Human Rights for an advisory opinion

1. The Cassation Court may, after a cassation appeal becomes pending, apply to the European Court of Human Rights for an advisory opinion regarding those crucial case-related issues that are related to the interpretation or application of the rights and freedoms provided for under the *Convention for the Protection of Human Rights and Fundamental Freedoms* and the protocols thereto.

2. The Cassation Court shall substantiate the request for its application to the European Court of Human Rights for an advisory opinion, and shall submit appropriate case-related legal and factual circumstances to the European Court of Human Rights.

3. The Cassation Court shall notify the parties of its application to the European Court of Human Rights for an advisory opinion.

4. The advisory opinion of the European Court of Human Rights shall have a non-binding nature.

5. The running of the time limits under Articles 391(6) and 401(3) of this Code shall be suspended from when the Cassation Court applies to the European Court of Human Rights for an advisory opinion until when the advisory opinion is obtained. ***(Shall become effective immediately after Protocol No 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms becomes effective in relation to Georgia)]***

Law of Georgia No 3666 of 29 May 2015 – website, 5.6.2015

Article 403 – Scheduling a hearing

1. In its judgment on admitting a cassation appeal, the court shall determine the time for the hearing and notify the parties within three days after the judgment has been delivered.

2. The court shall notify the parties of the transfer of the case to the Grand Chamber and the date of the hearing.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Law of Georgia No 918 of 8 June 2001 – LHG I, No 18, 28.6.2001, Art. 56

Article 404 – Scope of the review of a judgment by the court of cassation

1. The court of cassation shall review a judgment within the scope of the cassation appeal. The court of cassation may not check procedural violations on its own initiative, except for the facts referred to in Article 396(1)(f).

2. The judgments of the court taken prior to the final judgment may also be subject to review by the court of cassation, irrespectiv of whether they are contestable by a complaint subject to a time limit.

3. The court of cassation shall check whether the case is within the substantive jurisdiction of the court of cassation and whether the court of cassation has an international jurisdiction with regard to the case in question. The court of cassation shall check the venue and substantive jurisdiction of the court of the first instance only at the request of the defendant. Such request shall be admissible, if it has been made by the defendant during the hearing of the case at the appellate stage, or if there is an excusable cause due to which such request was not made to the court of appeals.

Article 405 – Cross appeal on points of law

The adversary party may, within 10 days after the cassation appeal has been submitted, file a cross appeal on points of law, regardless of whether the party has waived the right to file a cassation appeal.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Article 406 – Modifying and increasing the subject matter of dispute

The subject matter of dispute may not be modified or increased, and counterclaims may not be brought or and costs may not be determined before the court of cassation.

Article 407 – Factual grounds for review

1. The court of cassation shall review only the submission of the party that are provided in the court judgments or records of the hearings. Moreover, the facts referred to in Article 396(1)(f) of this Code may be taken into consideration.

2. The facts that have been determined as true by the court of appeals shall be binding upon the court of cassation, unless it has been challenged by an admissible and justified petition (objection).

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 408 – Oral hearing

1. An oral hearing shall start with a report by one of the members of the court of cassation.

2. The reporting judge shall report to the court the details of the case and the grounds for the judgment of the court of appeals. After this the floor shall be given to the parties to make statements and provide substantiation.

3. The court of cassation may deliver a judgment without an oral hearing. The court shall notify the parties in advance of the review of the case without an oral hearing.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Chapter L – Judgment of the Court of Cassation

Article 409 – Scope of the modification of a judgment by the court of cassation

The court of cassation may modify the judgment of a court of appeals only within the scope requested by the parties.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Article 410 – Dismissing cassation appeal

The court of cassation shall dismiss a cassation appeal, if:

a) the breach of law referred to in the cassation appeal did not take place;

b) the judgment of the court of appeals is not based on the breach of law;

c) the judgment of the court of appeals is substantially correct, despite the fact that the reasoning part of the judgment does not provide reasons.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 411 – Judgment of the court of cassation

The court of cassation shall deliver a judgment on the case on its own, unless there are grounds for reversing the judgment provided in Article 412 of this Code and for referring the case back to the court of appeals for a second hearing.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 412 – Referring a case back to the court of appeals for further hearing

1. The court of cassation shall reverse the judgment and refer the case back to the court of appeals for further review, if:

a) the circumstances of the case have been established in violation of procedural norms that has resulted in an incorrect judgment on the case and additional fact-finding process is required;

b) there are grounds provided in Article 394 of this Code, except for sub-paragraphs (c) and (e) of the said article.

2. The court of cassation shall base the judgment provided in paragraph 1 of this article on legal evaluation that shall be binding fo the court of appeals. A case may be referred back to the same or another composition of the court of appeals for further hearing.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Article 413 – Referring back a case

After the court of cassation reviews the case, the case along with a copy of the judgment of the court of cassation shall be referred back to the court reviewing the case.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Section Ten

Complaint Subject to a Time Limit

Chapter LI – Admissibility and Procedure for Reviewing Complaints Subject to a Time Limit

Article 414 – Filing a complaint subject to a time limit

1. A complaint subject to a time limit may be filed against the rulings delivered by a court only in cases provided in this Code.

2. A complaint subject to a time limit may be filed by the parties against whom the ruling has been delivered, as well as by the persons to whom the ruling directly refers.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Article 415 – Filing a complaint subject to a time limit

A complaint subject to a time limit shall be filed with the court that has delivered the judgment. A complaint subject to a time limit shall comply with the requirements established by Article 177(2) of this Code.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 416 – Time limits for filing a complaint subject to a time limit

A complaint subject to a time limit shall be filed within 12 days. This time limit may not be extended or restored. This period shall begin upon a ruling having been served on the party or upon the ruling having been announced at the trial, if the person entitled to file a complaint subject to a time limit attended the announcement of the ruling. Service of a copy of the ruling on the party personally in court or according to Articles 70-78 of this Code shall be considered to be the moment of the service of the ruling.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 417 – Transferring a complaint subject to a time limit and case material to the court of higher instance

A complaint subject to a time limit along with the case material shall be transferred to a court of higher instance.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Article 418 – Consequence of filing a complaint subject to a time limit

1. Filing of a complaint subject to a time limit shall not suspend the performance of the procedural action prescribed by the appealed court ruling.

2. A court may suspend the performance of such procedural action. The performance of the procedural action prescribed by the appealed judgment may be suspended by a court of higher instance.

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 419 – Decision on a complaint subject to a time limit

1. A ruling on a complaint subject to a time limit shall be delivered by a court of higher instance within 2 months after the complaint subject to a time limit has been submitted.

2. The judgment shall be delivered without an oral hearing. The court may also order an oral hearing of a complaint subject to a time limit, if so required and if this facilitates the establishment of the circumstances of the case. If a case is reviewed in an oral hearing, the judge may deliver a judgment without leaving the court room.

3. A higher court judgment on a complaint subject to a time limit may not be appealed.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 420 – Procedure for reviewing complaints subject to a time limit

Complaints subject to a time limit shall be reviewed at courts of higher instance in compliance with the procedures prescribed for these courts.

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Section Eleven

Reopening of Proceedings

Chapter LII – Application for Reopening Proceedings and a Procedure for its Review

Article 421 – Types of reopening of proceedings

1. The proceedings terminated by a final judgment or ruling may be reopened only when there are prerequisites for an action for annulment (Article 422) or for an action for retrial of the case due to newly discovered circumstances (Article 423).

2. If both actions are brought by one and the same party, or by different parties, concurrently requesting the annulment of the decision and retrial due to newly discovered circumstances, the court shall suspend the review of the action for retrial brought due to newly discovered circumstances, until the review of the action for annulment of the judgment (ruling) has been completed.

Article 422 – Action for annulment of a judgment (ruling)

1. A final judgment may be annulled by an action filed by an interested person if:

a) a judge was involved in the judgment without having the right to take part in the judgment;

b) one of the parties or its legal representative (if the party needs such representative) has not been invited to the hearing;

c) the person whose rights and lawful interests are directly affected by the judgment, has not been invited to the hearing.

2. These grounds may not be used for annulling a judgment, if it was possible for the party to declare those grounds during the hearing to the court of the first instance, the court of appeals or the court of cassation, respectively.

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Article 422^1 – Annulment of a court judgment on establishment of some facts of legal significance

1. Court judgments on facts of legal significance relating to a birth or death of a person at a certain time and under certain circumstance, or the registration of birth or death may be annulled based on an action brought by an interested person, if at the time of bringing the action for annulment there are two different civil records and wrong data have been established under the judgment appealed.

2. The time limits determined by Article 426 of this Code shall not apply to bringing an action under paragraph 1 of this article.

Law of Georgia No 5569 of 20 December 2011 – website, 28.12.2011

Article 423 – Action for retrial due to newly discovered circumstances

1. A final judgment may be appealed by an action for retrial due to newly discovered circumstances, if:

a) it is discovered that the judgment was based on a falsified document;

b) it has been established that the witness has intentionally given false testimony, the expert has intentionally provided a false report, or the translator intentionally translated incorrectly, which resulted in an unlawful or unjustified judgment;

c) it has been established that the parties and their representatives or the judge has committed an offence in connection with the legal dispute;

d) a court sentence, judgment, ruling or a resolution of another body on which this decision is based, has been reversed;

e) a party submits to the court a decision delivered in the same matter and that has entered into force earlier;

f) a party has become aware of such circumstances and evidence which would have resulted in a decision more favourable to that party if they had been previously submitted to the court;

g) there is a final judgment (ruling) of the European Court of Human Rights establishing that the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or of its additional protocols have been violated with regard to this case, and if the decision to be reviewed is based on this violation.

h) there exists a decision of the United Nations Human Rights Committee, Committee on the Elimination of All Forms of Discrimination against Women, Committee on the Rights of the Child, Committee against Torture or Committee on the Elimination of Racial Discrimination ('the Committee') establishing that the Convention on the basis of which that Committee was founded, has been violated with regard to this case, and the decision subject to review is based on this violation.

2. An action for retrial due to newly discovered circumstances may be brought under paragraph 1(a-c) of this article, if a final and binding conviction has been issued as a result of a criminal offence.

3. An action for retrial may be brought under paragraph 1(e-f) of this article, if the party, through no fault of its own, was unable to present during the hearing and decision-making a final decision delivered in the same matter, or to refer to new circumstances and evidence.

4. If action for retrial is brought under paragraph 1(g) of this article, the court shall review the issue of awarding to the plaintiff relevant compensation, if it is impossible to modify the decision because the rights have been acquired in good faith by third persons.

Law of Georgia No 3435 of 13 July 2006 – LHG I, No 32, 31.7.2006, Art. 243

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 3035 of 4 May 2010 – LHG I, No 24, 10.5.2010, Art. 163

Law of Georgia No 5012 of 27 April 2016 – website 13.5.2016

Law of Georgia No 201 of 22 December 2016 – website 29.12.2016

Article 424 – Jurisdiction

1. An action for annulment or an action for retrial due to newly discovered circumstances shall be filed with the court that delivered the judgment (ruling). The court that has delivered the decision shall review the action even when there is a ruling entered by a higher instance court affirming this decision. The court of appeals or the court of cassation shall review an action for

annulment or an action for retrial due to newly discovered circumstances only if the action is brought against the decision delivered by it.

2. If an action for annulment or an action for retrial due to newly discovered circumstances concerns the judgment (ruling) delivered by courts of several instances on one and the same case, then the action shall be brought to the highest instance court.

Law of Georgia No 407 of 28 June 2000 – LHG I, No 26, 13.7.2000, Art. 71

Article 425 – Procedure for filing an action

An action for annulment of a decision or an action for retrial due to newly discovered circumstance shall be filed and heard in compliance with general rules, taking into account any exceptions provided in this chapter.

Article 426 – Time limit for filing an action

1. An action for annulment or an action for retrial shall be filed within one month and this period may not be extended.

2. Running of the time limit shall commence as from the day when the party becomes aware of the grounds for annulment or retrial.

2^1. In cases provided in Article 423(1)(g) of this Code, an action for retrial shall be filed within three months after a judgment (ruling) of the European Court of Human Rights enters into force, and in cases provided in Article (1)(h) of this Code an action for retrial shall be filed within six months after a decision of an appropriate Committee enters into force.

3. If an application for annulment of a judgment is based on Article 422(1)(b), the time limit for filing the application shall commence as from the day when the judgment is notified to a party; if the party is legally incompetent, the judgment is notified to his/her legal representative; and if the party is a beneficiary of support and the support has been established for his/her for exercising procedural representation, the judgment is notified to him/her or his/her supporter. The above time limit shall commence as from the delivery day of the judgment which was delivered later.

4. An action for annulment or an action for retrial may not be filed after five years have elapsed after the decision entered into force, except for cases under Article 422(1)(c) and Article 423(g)(h) of this Code. *Law of Georgia No 3035 of 4 May 2010 – LHG I, No 24, 10.5.2010, Art. 163*

Decision of the Constitutional Court of Georgia No 3/1/531 of 5 November 2013 – website, 18.11.2013

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 5012 of 27 April 2016 – website 13.5.2016

Article 427 – Content of a statement of claim for annulment, or of a statement of claim for retrial due to newly found circumstances

1. A statement of claim shall include:

a) exact name of the decision appealed;

b) the grounds on which the decision is be annulled or proceedings are to be reopened;

c) evidence showing that the deadline for filing an application has been met;

d) reference to the fact that the procedures for jurisdiction have been adhered to;

e) declaration as to the extent to which the plaintiff requests the annulment of the decision appealed and replacement of the

decision by another decision.

2. If the statement of claim does not comply with these requirements, the court shall order the plaintiff to correct the deficiency and shall give the plaintiff a time limit for that purpose. If the deficiency is not corrected within the time limit, the statement of claim shall not be admitted.

Article 428 – Removing a judge from the case

A judge who, according to law, should not have been involved in the decision (Article 422(1)(a)), or whose criminal action in connection with the litigation is the cause of an action for retrial (Article 423(1)(c)), may not take part in proceedings relating to an action for annulment or an action for retrial due to the newly discovered circumstances.

Article 429 – Review of admissibility

A court shall review, on its own initiative, whether an action for reopening proceedings is admissible. If one of the requirements for admitting a complaint has not been met, the court shall, by its judgment, overrule the complaint as inadmissible, which may be appealed by a complaint subject to a time limit.

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Article 430 – Review of the statement of claim

1. An action for retrial shall be reviewed without an oral hearing. The court may also order an oral hearing if so required and if this facilitates the establishment of the circumstance of the case. If an oral hearing is ordered, the parties shall be notified of the time and place of the hearing; however, their non-appearance shall not preclude the court from reviewing and deciding the matter.

(The normative content of the first sentence of Article 430(1) allowing for the review of a case without an oral hearing when the effective court judgment is revoked under the ground provided for by Article 423(1)(f) of the Civil Procedure Code of Georgia has been declared invalidated) – Decision of the Constitutional Court of Georgia No 2/8/765 of 7 December 2018 – website, 12.12.2018

2. If it is discovered that an action for retrial is groundless, the court shall deliver a judgment refusing to satisfy the application, which shall be appealed by a complaint subject to a time limit.

3. If it is discovered that an action for retrial is justified, then the court shall, by its ruling, reverse the decision appealed. The ruling may be challenged by a complaint subject to a time limit.

(The normative content of Article 430(3) allowing for the possibility of revocation of the effective court judgment under the ground provided for in Article 423(1)(f) of the Civil Procedure Code of Georgia shall be declared invalidated from 30 April 2019) – Decision of the Constitutional Court of Georgia No 2/8/765 of 7 December 2018 – website, 12.12.2018

Law of Georgia No 2398 of 9 September 1999 – LHG I, No 43(50), 21.9.1999, Art. 227

Law of Georgia No 5669 of 28 December 2007 – LHG I, No 1, 3.1.2008, Art. 1

Law of Georgia No 6315 of 25 May 2012 – website, 8.6.2012

Decision of the Constitutional Court of Georgia No 2/8/765 of 7 December 2018 – website, 12.12.2018

Article 431 – Case hearing

After a decision has been reversed, the case with regard to which this decision was delivered shall be heard again according to the

procedures for case hearing prescribed by this Code.

Article 432 – Enforcement of decision

An action for retrial shall not suspend the enforcement of the decision. The court may, by its ruling, temporarily suspend the enforcement of the decision. Enforcement of the decision shall depend on whether a person requesting the proceedings can provide appropriate security.

Article 432[1] – Payment of indemnity on the basis of a decision of the Committee

For the purposes of obtaining indemnity from the State on the basis of a decision of the Committee on the payment of indemnity a person may file a claim in court. The court shall define the amount of indemnity considering the gravity of violation of human rights and other objective factors. The claim to obtain indemnity shall be reviewed in accordance with the procedures defined by Administrative Procedure Code of Georgia.

Law of Georgia No 5012 of 27 April 2016 – website 13.5.2016

Transitional and Final Provisions of the Civil Procedure Code of Georgia

Article 433 – Entry into force of the Civil Procedure Code of Georgia

The Civil Procedure Code of Georgia shall enter into force from 15 May 1999 when the formation of the system of Common Courts is completed according to the Organic Law of Georgia on Common Courts, and judges within this system are appointed.

Law of Georgia No 1261 of 20 February 1998 – The Parliament Gazette, No 11-12, 14.3.1998, p. 32

Law of Georgia No 1529 of 17 July 1998 – The Parliament Gazette, No 27-28, 30.7.1998, p. 15

Law of Georgia No 1773 of 24 December 1998 – LHG I, No 1(8), 14.1.1999, Art. 10

Article 433[1] – (Deleted)

Law of Georgia No 4037 of 15 December 2010 – LHG I, No 75, 27.12.2010, Art. 480

Law of Georgia No 5265 of 11 November 2011 – website, 24.11.2011

Article 434 – List of invalid normative acts

From 15 May 1999, the following normative acts shall be declared invalid:

Law of the Soviet Socialist Republic of Georgia of 26 December 1964 on the Approval of the Civil Procedure Code of the Soviet Socialist Republic of Georgia (Gazette of the Supreme Soviet of the Soviet Socialist Republic of Georgia, 1964, No 36, Article 663), as well as the Code of the Civil Procedure Law of the Soviet Socialist Republic of Georgia approved under this Code.

Law of Georgia No 1261 of 20 February 1998 – The Parliament Gazette, No 11-12, 14.3.1998, p. 32

Law of Georgia No 1529 of 17 July 1998 – The Parliament Gazette, No 27-28, 30.7.1998, p. 15

Law of Georgia No 1773 of 24 December 1998 – LHG I, No 1(8), 14.1.1999, Art. 10

Article 434[1] – Normative act that shall be adopted based on this Code

The High Council of Justice of Georgia shall, before 1 January 2014, ensure the adoption of the decision provided in Article 37(2) of this Code.

Law of Georgia No 1156 of 20 September 2013 – website, 8.10.2013

Article 435 – Operation of civil procedure law in time

Civil matters shall be heard in court under civil procedural laws, which are applicable when hearing a case, when taking individual procedural actions or when enforcing court decisions.

Article 436 – Hearing cases received by courts before 15 May 1999 that are still pending

1. Civil cases that were admitted by courts before 15 May 1999 and that are still pending, shall be heard according to the Civil Procedure Code by the courts in which these cases were pending.

2. Supervisory complaints filed before 15 May 1999 against the final decisions of the Common Courts of Georgia with respect to which supervisory proceedings have not been completed, shall be reviewed by the Civil Chamber of the Supreme Court of Georgia.

3. The Chamber for Civil, Commercial and Insolvency Matters of the Supreme Court of Georgia shall review the supervisory objections filed against the final decisions of the Common Courts of Georgia before 15 May 1999, as well as motions of the Supervisory Chamber of the Supreme Court of Georgia.

4. Judgments on civil cases delivered by the court of the first instance before 15 May 1999 that have not entered into force may be appealed in a court of appeals.

5. Judgments delivered after 15 May 1999 by the Supreme Court of Georgia on cases heard in the courts of first instance may be appealed to the court of cassation within the statutory time limit.

6. The Chamber for Civil, Commercial and Insolvency Matters of the Supreme Court of Georgia shall review the cases referred to in paragraphs 2 and 3 of this article in compliance with the procedures prescribed by Article 408, in a panel of three judges. The complaints filed with regard to the cases that are particularly complex and that have been reviewed by the Supervisory Chamber, Civil Chamber and Presidium of the Supreme Court of Georgia shall be reviewed by all the members of the Chamber that have not participated in the review. This procedure shall not apply to persons that participate in the hearing of cases at the Supervisory Chamber of the Supreme Court.

7. When reviewing cases according to the supervisory procedure, the Chamber for Civil, Commercial and Insolvency Matters of the Supreme Court of Georgia may not refer a case for further hearing and may deliver a decision according to Article 411. The breach of the norms of procedural law may become the grounds for cancelling a decision only if this breach resulted in an incorrect decision in the case.

Law of Georgia No 1261 of 20 February 1998 – The Parliament Gazette, No 11-12, 14.3.1998, p. 32

Law of Georgia No 1529 of 17 July 1998 – The Parliament Gazette, No 27-28, 30.7.1998, p. 15

Law of Georgia No 1773 of 24 December 1998 – LHG I, No 1(8), 14.1.1999, Art. 10

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Law of Georgia No 1972 of 28 May 1999 – LHG I, No 18(25), 1.6.1999, Art. 71

Law of Georgia No 2314 of 22 July 1999 – LHG I, No 36(43), 29.7.1999, Art. 176

Law of Georgia No 2261 of 4 December 2009 – LHG I, No 41, 8.12.2009, Art. 305

Article 437 – (Deleted)

Law of Georgia No 1261 of 20 February 1998 – The Parliament Gazette, No 11-12, 14.3.1998, p. 32

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Article 438 – (Deleted)

Law of Georgia No 1261 of 20 February 1998 – The Parliament Gazette, No 11-12, 14.3.1998, p. 32

Law of Georgia No 1494 of 26 June 1998 – The Parliament Gazette, No 25-26, 15.7.1998, p. 32

Law of Georgia No 1956 of 13 May 1999 – LHG I, No 15(22), 14.5.1999, Art. 64

Article 439 – Jurisdiction of the courts of the Autonomous Republic of Abkhazia

Until the jurisdiction of Georgia is fully restored in the Autonomous Republic of Abkhazia, the violated and disputed rights, as well as the legitimate interests of internally displaced persons shall be secured by the courts of the Autonomous Republic of Abkhazia according to their territorial jurisdiction, in compliance with the requirements laid down in Chapter III of the Civil Procedure Code of Georgia, provided that the defendant is also an internally displaced person.

Law of Georgia No 1519 of 26 June 1998 – The Parliament Gazette, No 25-26, 15.7.1998, p. 39

Article 440 – Restricting activities of a representative in a civil proceeding

A person who has not passed the proficiency testing for lawyers and has not become a member of the Bar Association of Georgia may not act as a representative at the courts of appeal and cassation, except for an employee of a state body, local self-government body and organisation with regard to a case relating to this body or the organisation.

Law of Georgia No 978 of 20 June 2001 – LHG I, No 22, 6.7.2001, Art. 84

Law of Georgia No 2310 of 2 June 2003 – LHG I, No 13, 2.6.2003, Art. 88

Law of Georgia No 3435 of 13 July 2006 – LHG .I, No 32, 31.7.2006, Art. 243

Law of Georgia No 1701 of 24 September 2009 – LHG I, No 29, 12.10.2009, Art. 184

Law of Georgia No 2268 of 4 May 2018 – website, 21.5.2018

Article 441

Until relevant changes are made to the Law of Georgia on the Relations Arising from Using the Living Space, courts shall suspend the review of the disputes relating to the disputes between the owner and the user concerning the living space, also enforcement if

actions shall be suspended and the owner and the user shall retain their respective rights and obligations with regard to the living space.

Law of Georgia No 55 of 18 May 2004 – LHG I, No 13, 2.6.2004, Art. 44

Article 442 – Exercise of the powers of court of appeals, referring pending cases, and reviewing cassation appeals

1. Until 1 November 2005, the power of a court of appeals provided in this Code shall be exercised by regional courts and supreme courts of the autonomous republics.

2. Cases pending by regional courts and by courts of an autonomous republic before 15 July 2005 which fall under the jurisdiction of a district (city) court shall be referred to the district (city) court.

3. Article 391(2) and (5) of this Code shall not apply to the review of cassation appeals registered before 1 November 2005.

Law of Georgia No 1740 of 23 June 2005 – LHG I, No 36, 11.7.2005, Art. 227

Article 443 – Review of an appeal by a judge sitting alone

1. A judge of the Civil Chamber of a court of appeal may, sitting alone, review cases under Article 14 of this Code, disputes over property the value of which does not exceed GEL 10 000, as well as disputes arising from labour relations.

2. A judge of the civil chamber of the appeals (regional) court who has been appointed to the civil chamber of the court of appeals shall, sitting alone, continue the appeal proceedings commenced with regard to the cases provided in paragraph 1 of this article.

Law of Georgia No 2130 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 350

Law of Georgia No 3388 of 23 June 2006 – LHG I, No 26, 14.7.2006, Art. 210

Law of Georgia No 4209 of 19 December 2006 – LHG I, No 4, 12.1.2007, Art. 51

Article 444 – Reopening of proceedings due to the newly discovered circumstances, based on a judgment (ruling) of the European Court of Human Rights

Article 423(1)(g) of this Code shall also apply to those natural and legal persons that were denied a retrial due to newly discovered circumstances based on a judgment (ruling) of the European Court of Human Rights, provided that these natural and legal persons applied to the court before 15 June 2010 with a request for retrial due to newly found circumstances.

Law of Georgia No 3035 of 4 May 2010 – LHG I, No 24, 10.5.2010, Art. 163

Article 445 – Admitting a claim (application)

1. When filing a claim (application) with a court, unless it has been mailed by post, the court registry shall check the form (and not content) of the claim (application) and if the form is found to be incorrect, shall instruct the plaintiff or the plaintiff's representative (if the claim (application) is filed by the representative) to correct the deficiency.

2. When checking the form of the claim (application), the following circumstances shall be taken into account:

a) whether the claim (application) has been filed in the manner approved by the High Council of Justice of Georgia;

b) whether the claim (application) contains the details provided in Article 178(1)(a-d), (g), (j) and (l) of this Code;

c) whether a document confirming the payment of state fees has been enclosed with the claim (application), and if not, whether in the field designated for petitions there is a reference to the petition for exemption from state fee, deferral of payment or reduction of the amount of the state fees;

d) whether all the documents referred to in the list of enclosed documents are attached to the claim (application);

e) whether a document confirming the power of the representative is enclosed with the claim (application), where the claim (application) is filed by a representative;

f) whether the claim (application) has been signed;

g) whether the claim (application) and enclosed documents have been submitted in as many copies as is the number of the defendants.

3. A judge shall be obliged to deliver a judgment on admitting the claim (application) within five days after the claim (application) has been filed. The claim (application) shall be deemed admitted from the day when a judgment on its admission has been delivered, or if a judgment has not been delivered within these time limits, the claim (application) shall be deemed admitted after the lapse of this period.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 446 – Sending copies of a claim and enclosed documents to the defendant

After a court delivers a ruling granting leave to a claim according to Article 445 of this Code, or after the period established for delivering the ruling expires, the judge shall be obliged to order that copies of the claim and enclosed documents be sent to the defendant according to the procedures prescribed in Article 448 of this Code.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 447 – Ruling on deficiency and return of a claim

1. If a judge finds that a claim has been filed in violation of Article 177(3) and/or Article 178 (except for paragraph 1(h) and (i) of the same article, provided that the plaintiff has provided excusable cause for its failure to present evidence) or the claim and the enclosed documents have not been submitted in as many copies as is the number of the defendants, and/or a document confirming the payment of state fees and/or a document confirming the power of a representative is not enclosed to the claim, the court shall deliver a ruling on the fault and give the plaintiff time to remedy it. If the plaintiff remedies the fault referred to in the judgment within the set time limit, the court shall deliver a ruling making the claim pending; otherwise, the court shall deliver a ruling denying pendency to the claim and returning it to the plaintiff; this ruling may be appealed by a complaint subject to a time limit. If such ruling is delivered, state fees shall be refunded in full.

2. If the claim does not contain the address of the plaintiff provided in Article 178(1)(b) of this Code, the court shall deliver a ruling on leaving the claim untried.

3. A court may inform the parties (their representatives) by phone of the fault established with regard to the claim if the fault concerns the form (and not content) of the claim provided in Article 445(2) of this Code. In the latter case the judgment on the fault communicated in this manner shall be deemed delivered on the day when the party was contacted by phone.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 448 – Court instructions to the defendant

1. To prepare a case for the hearing, a judge shall:

a) send to the defendant copies of the claim (application) and documents provided by this Code;

b) give the defendant time to prepare a written response (answer) to the claim (application) and on the issues specified in the claim, as well as to prepare his/her opinion on the documents enclosed with the claim, and submit them to the court. The time limit shall not exceed 14 days, or 21 days for complex category of cases. This period may not be extended, unless there is reasonable cause.

2. The defendant's written response (answer) shall contain:

a) the name of the court with which the response (answer) is filed;

b) first name and surname (designation), main address (actual location), also an alternative address (if any), address of a workplace, telephone number, including mobile number, email address and fax number of the defendant and of the defendant's representative (if a response (answer) is filed by a representative), as well as of the witness and of another person to be called to the hearing. The defendant or the defendant's representative may also include a contact person's details in the response (answer). If the defendant is a legal person or an individual entrepreneur it, or its representative, if it has one, (except for a legal representative) – shall be obligated to indicate an email address and a telephone number;

c) indication as to whether the defendant acknowledges the claim and which part of it;

d) if the defendant does not acknowledge the claim, specific facts and circumstances on which his/her response (answer) to the claim is based;

f) evidence confirming the circumstances indicated by the defendant;

g) procedural means that the defendant intends to use to defend himself/herself against the claim, in particular, whether he/she intends to file a counter-claim or objects to the admissibility of the claim;

i) if the defendant files motions:

i.a) indication as to whether the defendant intends to recuse the court or the judge, etc.;

i.b) indication as to who may be engaged in the trial as a joined party or a third person;

i.c) indication as to which witnesses are to be summoned to the hearing;

i.d) other motions;

h) list of the documents enclosed to the response (answer);

l) the defendant's position on the review of the case without an oral hearing.

3. A document confirming the power of the representative shall be enclosed with the response (answer), if the response is filed by a representative.

4. A response (answer) shall completely and in the right order reflect the defendant's position on each fact and evidence referred to in the claim. If the defendant disagrees with any of the circumstances referred to in the claim, he/she shall be obliged to indicate reasons and provide corresponding arguments.

5. The defendant shall be obliged to enclose with the response (answer) all the evidence referred to in the response. If the defendant is not able to enclose evidence with the response (answer) due to reasonable cause, he/she shall be obliged to indicate accordingly in the response (answer). The defendant may request a reasonable period for providing evidence.

6. After receiving copies of the claim and the enclosed documents, the defendant shall, within the time limits prescribed by the court, submit to the court his/her response (answer) to the claim and to the questions raised in the claim, as well as his/her opinions on the documents enclosed with the claim. The response (answer) shall comply with the requirements provided in Article 177(2) and (3).

7. Upon filing a response (answer), a defendant may declare that he/she agrees to receive written material via email. In that case, the court shall, as a rule, send material to the defendant via email.

8. The response shall be signed by the defendant or its representative.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 449 – Sending copies of the defendant's written response (answer) and enclosed documents to the plaintiff

1. Copies of the defendant's written response (answer) and enclosed documents shall be submitted to the plaintiff.

2. The plaintiff may submit to the judge additional evidence as well as communicate in writing his/her opinions on the defendant's written response (answer) within five days after receiving the defendant's written response (answer).

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 450 – Application of some of the articles of this Code to administrative proceedings

1. Article 11(5), Article 59(3^1), Article 183, Article 184, Article 186(1)(h), Article 201 and Article 275(h-i) shall not apply to the hearing of administrative cases under the Administrative Procedure Code of Georgia.

2. Articles 445-449 of this Code shall apply only to the hearing of administrative cases under the Administrative Procedure Code of Georgia.

Law of Georgia No 5667 of 28 December 2011 – website, 30.12.2011

Article 451 – Legal regulation during transition period in relation to persons declared legally incompetent by court before 1 April 2015

1. The right to apply to court until the individual examination is not restricted for persons declared legally incompetent by court before 1 April 2015.

2. Persons declared legally incompetent by court before 1 April 2015 shall be deemed legally incompetent until their individual examination, taking into account the content of the regulations effective before 1 April 2015.

3. A judge shall reject a claim within five days after its submission to the court if the claim was filed by a person declared legally incompetent by court before 1 April 2015 whose individual examination was not conducted.

4. The court shall, on the basis of the application of a party or on its own initiative, dismiss a claim (an application) if it was filed by a person declared legally incompetent by court before 1 April 2015 and the court deems it inappropriate to appoint a procedura representative for him/her.

5. A party may be refused to have a decision of the medical mediation service recognised and enforced if the party against whom the court judgment has been passed files a claim with the court and proves that he/she is a person declared legally incompetent by court before 1 April 2015.

6. A court may cancel a decision of the medical mediation service if a party against whom the court judgment was passed files a complaint with the court and proves that he/she is a person declared legally incompetent by court before 1 April 2015.

7. If an application for annulment of a judgment is based on Article 422(1)(b) of this Code, the time limit for filing the application shall commence as from the day when the judgment was notified to the legal representative of a party who was a person declared legally incompetent by court before 1 April 2015.

Law of Georgia No 3340 of 20 March 2015 – website, 31.3.2015

Article 452 – Granting consent to the marriage of a minor that has reached 17 years of age during transition period

1. The court shall hear a case on granting consent to the marriage of a minor that has reached 17 years of age by way of non-contentious proceedings under Article 311 of this Code.

2. An application for granting consent to the marriage of a minor that has reached 17 years of age shall be filed with the court according to the residence address of either of the intending spouses. If one of the intending spouses is an adult, the application shall be filed with the court according to the residence address of the minor.

3. An application must contain the consent of both applicants to the marriage. The application must be accompanied with a documentation evidencing a valid reason provided for by the Civil Code of Georgia. The documentation must be issued by a duly authorised person.

4. When hearing the case, the judge shall verify the availability of the valid reason under the Civil Code of Georgia required for granting consent to the marriage of a minor, and shall, with direct participation of a minor applicant, ascertain his/her true intention to marry and, based on this, make a judgment to grant, or refuse to grant consent to the marriage of a minor that has reached 17 years of age.

5. The court judgment may be appealed to the court of appeals within 14 days after the substantiated judgment is delivered to the party.

6. This article shall lose effect from 1 January 2017.

Law of Georgia No 4648 of 16 December 2015 – website, 28.12.2015

President of Georgia Eduard Shevardnadze

Tbilisi

14 November 1997

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