



THE TBILISI CITY HALL WAS IMPOSED TO REIMBURSE DAMAGES DUE TO FALLING OF THE CITIZEN IN THE WELL

By the decision of the Tbilisi City Court on February 25, 2016, the plaintiff claim was partially satisfied with regard to reimburse material and moral damage. Specifically, respondents, Tbiliservice Group Ltd and Tbilisi City Hall were solidary imposed to reimburse a material and moral damage to a citizen. The decision of the Tbilisi City Court remained in force by the verdict of the Supreme Court of July 11, 2018.

On July 1, 2014, the plaintiff fell from 5-6 meters in one of the sewage pools in Tbilisi, where he was remained during 18 hours. Citizen's falling into the well was caused by a damaged lid of the well. There was no indication of the danger near the well that would warn the victim about the danger. As a result of the accident the citizen was underwent surgical intervention and long-term medical treatment.

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The respondents claimed that the applicant was not moving on the pedestrian area, the well was closed and there was no repair or rehabilitation works of the well at all, so there was no need for warning signs. In addition, in Tbilisi there are about 30 000 wells and their daily control is impossible for the administrative body.

The Court did not accept the defendants' arguments and found that there were preconditions for their liability. In particular The Municipality City Hall annually carries out a tender on the maintenance and exploitation of drainage networks in Tbilisi and concludes a contract with the winning company. Since 2014 Tbilservice Group Ltd has been implementing the works for the maintenance of drainage networks on the basis of the agreement signed with the City Hall. In 2015, the company had been performing the same works.

According to the Court, the case shows the damage to the plaintiff's health, and the unlawful action is expressed in the inaction of the respondents. In particular, the Tbilservice Group Ltd was responsible for repairing drainage wells located in the vicinity of the aforementioned well, checking new wells, repairing the damaged collector, keeping the drainage system in a proper condition and placing of the warning signs that were not fulfilled at all. In addition, the Tbilisi Municipality City Hall was responsible for technical control and/or inspection of the service provided by the Tbilservice Group Ltd, which was not implemented properly by the respondents.