

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successfully Litigated Cases in February

**With GYLA's assistance some individuals were relived from administrative liability**

•GYLA's Kutaisi branch protected B.M.'s interests in the court who was found guilty in the administrative offence by the November 2, 2013 decision of Samtredia regional court and was fined GEL 500.

With GYLA's assistance, B.M. has appealed the resolution in Kutaisi Appealte Court that was partially satisfied and the case was remanded to the first instance court. By

the January 4, 2014 decision of Samtredia regional court, the case of administrative offence was terminated against B.M. The Court fully upheld the position of the defense that submitted evidences were insufficient for proving the fact of administrative offence and the case was terminated for absence of administrative offence.

**•In the same period GYLA's Telavi office protected Z.Ch.'s interests,** who was deprived of the driving license for 6 months on the basis of the protocol of administrative offence drafted by the police on January 31, 2014 for driving the vehicle under alcoholic influence.

With assistance from GYLA's Telavi office Z.Ch. challenged the protocol of administrative office in Telavi regional court. By the decision of Telavi regional court the protocol of administrative offence was invalidated and proceeding was terminated against Z.Ch.

**With GYLA's assistance, one more minor will receive alimony, while in another case the minors was transferred to mother in order to bring them up**

•GYLA's Kutaisi branch represented applicant R.K.'s interests who requested alimony for her minor child. According to the January 9, 2014 decision of Kutaisi City Court, G.J. was ordered to pay alimony of GEL 100 to her minor child.

•GYLA's Kutaisi branch represented in the court T.B.'s interests who lodged a lawsuit to Kutaisi City Court against I.K. and demanded payment of the alimony in favor of his minor children. The respondent filed a counter claim against T.B. and demanded transfer of children for bringing them up. With assistance from GYLA's Kutaisi office, the court approved the settlement act between the parties and the minors were transferred to the mother T.B.

**With GYLA's assistance, the former public servant of Telavi municipality was restored to his former position and was compensated for the missed salary**

GYLA's Telavi office represented in the court E.B.'s interest, the former public employee of Telavi municipality who was dismissed illegally from the position as per January 21, 2013 resolution of the municipality governor. In the course of dismissal she was pregnant, that became known to the administrative agency later, by the submitted written document. Notwithstanding the direct requirement of the law,

Gamgeoba ignored the fact of E.B.'s pregnancy and refused her in claim to be restored to the office.

Telavi regional court in his March 15, 2013 decision rejected E.B.'s claim to invalidate her dismissal order, to restore her to the office and compensate for the missed salary. The decision was appealed in Tbilisi Appellate court and later in the Supreme Court of Georgia.

By the February 27, 2014 decision of the Administrative Chamber of Tbilisi Supreme Court E.B.'s cassation was satisfied. Namely, E.B.'s dismissal order was invalidated, she was restored to her former position and was compensated for the missed salary. The court fully upheld the position of GYLA's lawyer that after notifying the administrative agency about the pregnancy fact, it had sufficient grounds for invalidation of the dismissal order, her restoration to the office and compensation for the missed salary.

### **With GYLA's assistance, the individual will register his title in public register**

GYLA's Dusheti Office protected L.A.'s interests in the court who had in the public register agricultural plot of land registered within undetermined cadastral data. In June 26, 2012 L.A. applied to the public register with a demand to register amendment in his registered title, however for overlapping his cadastral data with the one registered on I.Kh.'s name the registration proceeding was terminated on his application. Namely, according to the decision of the commission for recognition of the title under the local council of Dusheti municipality another individual's title was recognized on the plot and the certificate of title was issued with incorrect cadastral chart without comprehensive examination of circumstances of the case.

With assistance from GYLA's Dusheti office, L.A. appealed the mentioned title deed in Mtskheta regional court and demanded introducing of amendment, in the part of location of the plot and the borders, to the deed of title issued to another individual. The court satisfied the claim and the Commission of Dusheti municipality was ordered to issue the new individual administrative legal act that will amend location and borders in A.K.'s deed of title in a manner that to avoid overlapping of his borders with the neighbor's ones.

## **GYLA protected beneficiary's right**

GYLA's Dusheti Office represented N.O.'s interests in the court. SOKAR Georgia Gass Kartli miscalculated the fee for applied gas. Tbilisi Appellate Court shared the position of the GYLA's lawyer and N.O. will pay 0.40 tetri on 1 cubic meter of applied natural gas, rather than 0.54 tetri.

## **With GYLA's assistance the victim of political repression will receive pecuniary compensation from the Ministry of Finance**

GYLA's Telavi office represented L.A.'s interests. According to the judgment of Tbilisi City Court, L.A.'s complaint was partially satisfied. She, as the victim of political repression will receive from the Ministry of Finance pecuniary compensation in the amount of GEL 400 as per the Law on "Recognizing Citizens of Georgia as Victims of Political Repression and their Social Protection."