

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

**ON THE CASE OF CONFORMITY OF PART 1 OF ARTICLE 207, PART 1 OF ARTICLE
140, PART 3 OF ARTICLE 213 OF THE RA CIVIL PROCEDURE CODE WITH THE
CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICA-
TION OF VARTGEZ GASPARI**

Rapporteur A. Khachatryan

Proceeding from the results of consideration of the Case and ruled by Point 1 of Article 100, Article 102 of the Constitution of the Republic of Armenia (with amendments of 2005), Point 6 of Article 32, Point 1 of Article 60, Articles 63, 64 and 69 of the RA Law on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. In regard to the part of Part 1 of Article 140 of the RA Civil Procedure Code, to partially terminate the proceedings of the Case on conformity of Part 1 of Article 207, Part 1 of Article 140, Part 3 of Article 213 of the RA Civil Procedure Code with the Constitution of the Republic of Armenia on the basis of the application of Vartgez Gaspari.
2. Part 1 of Article 207 of the RA Civil Procedure Code is in conformity with the RA Constitution insofar, in line with the legal positions expressed in the Decisions DCC-1052, DCC-1062, DCC-1254 and DCC-1268 of the RA Constitutional Court, providing the judgment to the person authorized to submit applications in accordance with the procedure and time limits prescribed by law are guaranteed and in the case of missing the deadline due to the time limit by the reasons independent to the latter in case of relevant motion and evidence is recognized as valid by the force of law (ex jure).
3. To declare Part 3 of Article 213 RA Civil Procedure Code contradicting the requirements of Articles 61, 63 and 78 of the Constitution of the Republic of Armenia (with amendments of 2015) and void in regard to the part that it does not prescribe the possibility to resubmit the appeal in the time term prescribed by law and correct the infringement after return of the cassation appeal.
4. Based on the requirements of Point 9.1 of Article 64 and Part 12 of Article 69 of the RA Law on the Constitutional Court, the judgment against the Applicant adopted due to new circumstances by the force of Part 3 of Article 213 the RA Civil Procedure Code is subject to review in accordance with the procedure prescribed by law.
5. In accordance with Part 2 of Article 102 of the Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of its announcement.