

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

**ON THE CASE OF CONFORMITY OF PARTS 1 AND 3 OF ARTICLE 1226 OF THE
RA CIVIL CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON
THE BASIS OF THE APPLICATION OF EMMA VARDANYAN**

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 and 64, Parts 7 and 12 of Article 69 of the RA Law on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. To terminate the proceedings of the Case on conformity of Parts 1 and 3 of Article 1226 of the Civil Code of the Republic of Armenia with the Constitution of the Republic of Armenia on the basis of the application of the Emma Vardanyan with regards to Part 1 of Article 1226 of the Civil Code.
2. Part 3 of Article 1226 of the RA Civil Code is in conformity with the RA Constitution with such a constitutional legal wording according to which actual possession and control of the of the inherited possession by the person entitled with the right to mandatory share provides sufficient grounds for confirming admission of the fact of judicially accepting the inheritance and for confirming this fact no other active actions for confirming the fact of admission of inheritance, in particular, notary application, are needed.
3. Based on Article 204.33 the RA Civil Procedure Code and Part 12 of Article 69 of the RA Law on the Constitutional Court, the final judgment adopted against the Applicant due to new circumstances is subject to review in accordance with the procedure prescribed by Law, since Part 3 of Article 1226 the RA Civil Code is applied against the Applicant with interpretation other than the constitutional legal wording expressed in Part 2 of the Final Part of this Decision.
4. In accordance with Part 2 of Article 102 of Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of its announcement.

November 15, 2016

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