

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

ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE CONFORMITY OF POINT 1, ARTICLE 204.28 OF THE RA CIVIL PROCEDURE CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE APPLICATIONS OF “MELITEQS” LLC AND THE CITIZENS SERINE FLJYAN, IRINA OGANEZOVA, ANNA BAGHDASARYAN AND AGNESA BAGHDASARYAN

Rapporteur H. Nazaryan

Proceeding from the results of examination of the case and ruled by article 102 of the RA Constitution, articles 19, 32 and 60 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. To dismiss the case concerning the determination of the issue regarding the conformity of Point 1, Article 204.28 of the RA Civil Procedure Code with the Constitution of the Republic of Armenia based on the applications of “Melteqs” LLC and the citizens Serine Fljyan, Irina Oganezova, Anna Baghdasaryan and Agnesa Baghdasaryan.

To record that on the basis of legal position expressed in Point 13, Decision DCC-758 of the Constitutional Court and Point 5 of its concluding part, Article 204.28 of the Law on “Amendments and Restatements” the Civil Procedure Code of the RA adopted 28 November 2007 (HO-277-N) was recognized as not conforming with the Constitution and invalid, and this Article has been conformed to the Constitution neither by the Law N HO-233-N of 26 December 2008, nor any further law adopted by the National Assembly of the RA. Secondly, on the basis of legal positions expressed in the decision of Constitutional Court N DCC-751 of 15 April 2008 and the requirements of Part 12 Article 68 of the Law on Constitutional Court, the right of the interested parties to apply for a competent court on the grounds of new circumstances within the scopes of the subject of this case shall not be considered as exhausted.

2. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

February 23, 2010

DCC-866