CIVIL PROCEDURE CODE

Article 48. Burden of Proof

A participant in each case shall give a proof to circumstances that are the grounds of claims and objections.

Article 49. Procedures for Presenting and Claiming the Proofs.

1. Individuals participating in a case shall present the proofs.
2. An individual participating in a case who is unable to obtain the necessary proof by himself/herself from the individual, who is a party or not a party to the case, and who is withholding it, has a right to claim the proof through the mediation from the court. The proof and circumstances relevant to the case shall be included in the mediation, as well as the location of the proof, if it is known.
3. The court shall make a judgement based on the discussion of the mediation document.
4. The judgement on claiming the proofs shall be carried out without delay in the order established by the law of the Republic of Armenia, "On the Compulsory Execution of Legal Acts".

Article 50. Inspection and Investigation of the Proofs in their Place of Location

1. In the event of impossibility or difficulty of bringing the proofs to the court, the latter through the mediation of the parties or on its initiative, has a right to inspect and investigate the proofs in their place of location.
   The court has a right to enter any place at its discretion.
2. Individuals who participate in a case shall be notified about the examination and investigation of the proofs by a registered letter. Their absence shall not present an obstacle to the inspection and investigation of the proofs.
3. If necessary experts and witnesses shall be made participants to inspecting and investigating of the proofs.

Article 51. Permissibility of Evidence

Case circumstances, which in accordance with the law or other legislative acts must be affirmed only by certain proofs, cannot be affirmed by other proofs.

Article 52. Grounds for Waving the Evidence

1. The court has no need to prove the universally acknowledged circumstances.
2. The circumstances confirmed by the decision on a previously examined civil case that legally entered into force, have no need to be proved again in another case hearing.
3. A judgement on a criminal case that legally entered into force is compulsory for the court only for the facts affirming certain actions and persons committed these acts.

Article 93. Sending the Application and Copies of Enclosed Documents to Respondent

1. The court shall send the application and copies of enclosed documents to the respondent in the appropriate way.
2 In the event the amount of enclosed documents is great, or they are difficult to be copied, the court shall notify the other parties to the case that the aforementioned documents shall be deposited in the court for them to see. The notification shall also outline the time limits.
4. Individuals, who are parties to the case have a right to receive the copies of the enclosed documents to the application after having paid the duty in the amount established by the legislation.

Article 94. Place of Residence of the Respondent Being Unknown.

1. In the event if the actual place of residence of the respondent is unknown, the court shall examine the case following the receipt of the notification with the signature endorsed by the management of the respondent's latest known work place or the head of the community, where the respondent had lately lived, confirming the fact of the receipt of notification.
2. At the mediation of the plaintiff the court shall announce the search of the respondent and/or his property through the service ensuring compulsory enactment of the legal acts (hereinafter referred to as Compulsory Enactment Service).
3. The court passes a decision on the search of the respondent and/or his property.
4. The decision on the search of the respondent and/or his property shall be carried out without delay in the order established by the law " On the Compulsory Enactment of Legal Acts".

Article 95. Reply to the Claim

1. Before the examination of the case the respondent has a right to send a reply pertaining to the claim to the court or other individuals participating in the case, enclosing documents justifying his objections to the claim.
2. The reply shall also include:
1) Name of the court;
2) Name of the plaintiff;
3) The motives for dismissing all or part of plaintiff's claims, as well as proofs justifying the objections regarding the claims;
4) List of the documents enclosed in the reply.

The reply might also comprise some other information, as well as respondent's mediation documents.

3. The respondent or his representative shall sign the reply.

Enclosed in the reply signed by the representative shall be the letter of authority, certifying representatives' conduct of the case.

Article 96. Filing a Counter-Claim

1. Before the judgement for the case shall be pronounced the respondent has a right to file a counter-claim against being jointly examined with the plaintiff's preliminary claim.
2. The counter-claim shall be filed in conformity with general rules of filing claims

3. The counter-claim shall be admitted, if:
1) the counter-claim is aimed at netting the preliminary claim;
2) full or part satisfaction of the counter-claim excludes satisfaction of the preliminary claim;
3) connection between the counter-claim and preliminary claim is reciprocal and the joint examination of both could ensure a faster and fair resolution to the dispute.

Chapter 14. Ensuring the Claim

Article 97. Ground for Ensuring the Claim

1. The court with mediation of the person participating in the case, shall take measures to ensure the claim in the event if such measures might make the execution of legal act impossible or difficult. Claim ensuring shall be permitted at any stage of legal proceedings.
2. The mediation document shall be examined on the day it was received and the judgement shall be pronounced.

Article 98. Measures Ensuring the Claim

1. The measures ensuring the claim shall include:
1) arresting respondent's property or the funds in the amount specified by the claim;
2) banning the respondent from doing certain actions;
3) banning other individuals from taking certain actions pertaining to the subject of the dispute;
4) canceling the sale of property in the event if a claim is filed to lift the arrest of the property.
2. If it is required the court has a right to take certain measures to ensure the claim.
3. In the event of ensuring the claim pertaining to confiscated funds the respondent has a right to make a deposit account with the Compulsory Execution Service in the amount required by the plaintiff.

Article 99. Enforcement of the Judgement Pertaining to Ensuring the Claim

Enforcement of the judgement pertaining to ensuring the claim shall be done without delay, in the order established by the law of the Republic of Armenia "On Compulsory Execution of Legal Acts".

Article 100. Substitution of One Measure by Another in Ensuring the Claim.

1. The court has a right of substituting one measure by another one in ensuring the claim through the mediation of the person participating in the case.
2. Substitution of one measure by another one in ensuring the claim shall be resolved n the order established by Article 101 of this law.

Article 101. Abatement of the Claim Ensuring.

1. The court examining the case may abate claim ensuring through the mediation of the person participating in the case.
2. The decision on the abatement of the claim ensuring shall be made during the court session. Individuals participating in the case shall be notified in the appropriate way about the time and the venue of the court session. Their absence at the session shall not be an obstacle to examining the issue of abatement of the claim ensuring.
3. Following the discussion of the issue of abating the claim ensuring, a judgement shall be made.
4. In the event of making a decision to dismiss the claim, the measures for claim ensuring remain until the judgement enters into legal force.
   In the event of making a decision to satisfy the claim, the measures for claim ensuring remain until the judgement is carried out.

Article 102. Compensation of Losses Pertaining to Claim Ensuring

1. The court may, having taken the measures for ensuring the claim, upon the mediation of the respondent, order the plaintiff to provide the cover for the compensation of the respondent's possible losses.
2. The respondent has a right to file a claim against the plaintiff to the same court with a claim to compensate for his losses pertaining to claim ensuring.

CHAPTER 17. The Suspension of Proceedings.

Article 109. The Grounds for Suspension

The court suspends the proceedings if:
1) The case is not subject to the hearing in the court
2) Among the same persons, on the same subject and same ground regarding the dispute there is a court judgement that has entered into legal force.
3) Among the same persons, on the same subject and same ground regarding the dispute, there is an arbitrage court judgement, except refusing to give the execution act form for compulsory enactment of arbitrage court judgement on the part of the court, as well as reviewing the arbitrage court judgements for cases following the emergence of new circumstances in the order established by the legislation of the RA "On Arbitrage Courts and Arbitrage Procedures".
4) Disputable legal relationship after the death of a citizen participating in a case shall exclude legal succession.
5) Legal entity participating in a case has been liquidated;
6) The plaintiff renounces his claims;
7) The court has approved the signed agreement on consent.

Article 110. Procedures Taken for Discontinuance of Judicial Proceedings and Consequences

1. The court gives a judgement on the discontinuance of judicial proceedings.

2. The court decision may resolve issues pertaining to stamp duty return from the budget and division of court expenditures between the persons participating in a case.
3. It is not allowed to apply repeatedly to court in the event of discontinuance of judicial proceedings between the same people, on the same subject and the same grounds, other than in cases specified in point 6, article 109 of this code.

Chapter 18. Court Examination

Article 111. Case examination deadlines

A case shall be examined and judgement pronounced within three months after the court admits the claim
Short-term examination and resolution of cases shall be specified in this legislation and other laws.

Article 112. Court Session

Case examinations take place at court sessions, about which persons participating in the case and other participants of the proceedings shall be notified.

Article 113. Chairman of the Court Session

1. The judge examining the case individually shall carry out the chairman's responsibilities.
During the board examination of the case one of the judges shall carry out chairman's responsibilities.

Article 118. Case Examination during the Absence of the Plaintiff or the Respondent

1. The plaintiff or the respondent has a right to apply to the court with a request to resolve the argument in his absence, based on the submitted documents and materials.
2. Absence of duly notified respondent at the court session shall not be an obstacle for the case examination.

Article 119. Adjournment of Case Examination

1. The court has a right to adjourn the case examination if:
1) it cannot be examined at the present session, particularly due to absence of any one person participating in the case, witnesses, experts, and interpreters;
2) it is dictated by the necessity of presenting additional evidence;
3) the respondent has fully admitted the claim regarding property confiscation and applied to the court to be granted a certain term to carry out the commitment. In this case, the judge having considered the circumstances shall adjourn the case examination for some other acceptable time.
2. A judgement shall be made regarding the adjournment of case examination.

3. Participants of the court proceedings shall be duly notified about the time and place of the new court session.
4. After adjourning the case, the new examination shall resume from the moment it was suspended.

Article 120. Clarifying Rights and Responsibilities to the Persons Participating in the Case and Other Participants of the Proceedings

The court shall take the opinion of the persons participating in the case into consideration and make a judgement on the succession of investigating proofs.

Article 122. Ingenuousness of Legal Examination

When examining a case the court shall investigate the proofs of the case ingenuously, familiarise with the written evidence, examine proofs based on facts, hear expert findings, explanations of persons participating in the case and testimony of the witnesses.

Article 123 Resolution of the Applications and Mediation Documents of the Persons Participating in a Case by the Court.

1. The court shall resolve applications and mediation documents of the persons participating in a case pertaining to all issues of case examination after hearing opinions of other persons participating in a case.
2. Following the examination of applications and mediation documents the court shall pass a judgement.

Article 124. Termination of Case Examination

After investigating all proofs the chairman shall ask the persons participating in the case if they would like to present additional materials with the appeal (mediation) to investigate them. In the absence of such mediation documents the chairman shall announce the case terminated , and the court leave the hall to deliver the judgement.

Chapter 19. Accelerated Court Examination.

Article 125. Grounds for Accelerated Court Examination.

1. The court has a right to apply an accelerated court examination if:
1) the essence of the case shall prompt immediate examination
2) the claim is obviously justified
3) the claim is obviously unjustified
2. The grounds for accelerated court examination are applied, in particular, in the cases when:
1) the claim is based on written transaction;
2) the claim is based on undisputable right, with the previously evaluated losses;
3) a claim was presented with the view to confiscate alimony regardless of deciding paternity;
4) a claim regarding labor dispute was presented;

5) proofs affirming the claim were not presented.

Article 126. Court Decision on Starting an Accelerated Court Examination

1. The court has a right to start an accelerated court examination on its consideration or a mediation of a party.
2. The court shall make a judgement on starting accelerated court examination.

Article 127. Reversing Court Decision on Starting an Accelerated Court Examination

If during accelerated court examination the court takes a view that the given case is not a pressing matter for accelerated court examination, or it becomes known that a dispute with regard to rights has started, the court shall make a decision on reversing the court decision on starting an accelerated court examination. In the event if the court makes such a decision, the court examination shall continue in the order specified in article 18 of this law.

Article 128. Procedures for Accelerated Court Examination

In the availability of grounds specified in article 125 of this legislation, the court shall make a decision without delay.

Article 129. Responsibility of the Person Who Presented an Obviously Unfounded Claim.

In the event if the court dismisses an obviously unfounded claim, the respondent has a right to file a claim against the plaintiff to the same court, with a claim to be compensated for the damages.

CHAPTER 20. Court Judgement

Article 130. Passing a Judgement

1. In the event if the dispute is resolved in essence, the court shall pass a judgement.
2. The court shall pass a judgement in the name of the Republic of Armenia.
3. The court judgement shall be legal and well-founded. The court shall justify the judgement only by the proofs investigated during the court session.
4. The judgement shall be made only after the court examination is over, in a separate room. During the judgement making only the judge (judges) who were involved in the court examination of the case may be present in the room.

Article 131. Issues to Be Resolved at Passing the Judgement

1. The court at passing the judgement shall:
1) evaluates the proofs
2) decide, which of the relevant circumstances have been clarified and which were not;

3) decide which laws and legal acts shall be applied to the given case.
4) decide whether it shall fully or partially satisfy the claim or dismiss it altogether.
2. The court having considered additional investigation necesssary…….

CHAPTER 24. Conducting Examination Of Applications Pertaining To Defending Election Rights For Political Parties (Union Of Political Parties) And Citizens, Taking Part In Elections And Referendums

Article 153. Submitting Application

A citizen, political party (union of political parties), on finding that their rights to elect or be elected were violated by the decisions, actions or the lack of actions on the part of electoral committee, local self-governing bodies, or their officials and government body, may apply to a court examining civil cases.

Article 154. Statement Examination

1. The statement shall be examined within 5 days from the day it was submitted, although not later than election day, and as for the statement presented on election day – it shall be examined immediately.
2. The court shall examine the statement in the presence and participation of the representative for the declarant, appropriate election commission, state governing or local self-governing bodies. Absence of individuals who were duly notified about the time and place of the court session, shall not become an obstacle for case examination and resolution.

Article 155. Court Judgement and its Enactment

1. Court judgement, affirming the violation of election rights of individual or political party (union of political parties), becomes the grounds for making amendments in the list of the electors with the view to register the candidate, or include the political party (union of political parties) in the list of organisations participating in the elections or referendum, as well as eliminating violations of the right to elect and be elected.
2. The court judgement enters into legal force from the moment of publishing and shall not be appealed.
3. The court judgement shall be duly sent to the appropriate government body, local self-governing body or election commission.

CHAPTER 25. Carrying Lawsuits On Disputing Decisions As To Imposing Penalties On Administrative Offences Against State Governing Bodies, Local Self-Governing Bodies And Their Officials

Article 156. Submitting a Statement

1. Any individual who paid the penalty, has a right to dispute the judgement on penalty measures applied to him for administrative offence in court.

2. The statement, the copy of judgement on incurring administrative penalties in accordance with case jurisdiction, shall be submitted to the court examining civil cases or economic court within ten days from the day it was submitted.
3. The statement shall outline which decisions of which body or official shall be disputed, the year and the date it was passed. The copy of the disputed decision shall be enclosed in the statement.
4. The court after admitting the statement shall immediately pass a reverse judgement on applying administrative penalty.

Article 157. Statement Examination

1. The court shall examine the statement within ten days.
2. The person who submitted the statement, as well as the government body, local self-governing body or their officials, whose decision is being disputed, shall be duly notified about the time and place of court session by the court.
3. The court upon examining the case shall check:

1) lawfulness of the decision on administrative penalty and its justification
2) whether it was based on law and by the authorised body or person;
3) whether the procedures laid down for incurring administrative penalties to persons were exercised;
4) whether the person has committed administrative offence, requiring appropriate responsibility specified by the legislation;
5) whether he is guilty for committing the offence.

Article 158. Court Judgement

1. The court shall pass a judgement on reversing the decision on incurring an administrative penalty upon an individual in the absence of the subject and content of administrative offence and pronouncing the administrative responsibility as unfounded, as well as in other cases specified by law, other than conduct of a case on administrative offence.
2. The court having considered the nature of committed administrative offence, the personality of the offender, the extent of his guilt, property position and Other extenuating circumstances, has a right to change preventive punishment and the extent. The court may not make the preventive punishment more severe.
3. If the court finds that the judgement on incurring administrative penalty on state governing body, local self-governing body or their official -is legal and well-founded, a judgement shall be made on renouncing the statement. With this judgement the court decision on applying administrative penalty loses its force.
4. The court having found that the government body or official made a decision exceeding his authority, reverses its decision.

Chapter 26. Conduct Of Cases On Disputing The Actions (Lack Of Actions) Or The Acts Contradicting The Law, Issued By The State Governing Bodies, Local Self-Governing Bodies And Their Officials As Invalid.

Article 159. Justification of Disputing the Actions (lack of actions) or the Acts Contradicting the Law, Issued by the State Governing Bodies, Local Self-Governing Bodies and Their Officials as Invalid.

The above mentioned act contradicting the law is the ground for invalidating the acts contradicting the law, issued by the state governing bodies, local self-governing bodies and their officials or disputing their actions (lack of actions), as well as the presence of the fact of violating rights and/or freedoms of the declarant, as established by the laws and the Constitution of the Republic of Armenia.

Article 160. Statement by the State Governing Bodies, Local Self-Governing Bodies and Their Officials on Acknowledging Acts Contradicting the Law as Invalid

1. Statement by the state governing bodies, local self-governing bodies and their officials on acknowledging acts contradicting the law as invalid, in accordance with the jurisdiction of cases, shall not be subjected to the court examining civil cases or economic court.

Only the statements on the acts acknowledged as invalid are not liable to examination, the conformity of which with the Constitution of the RA shall be exclusive right of the Constitutional Court.

2. The statement may refer to the contradicting act or any part of it.
3. Submitting a statement shall not reverse the action of disputed act.
4. The court shall refuse to admit the statement, if the court judgement entered into legal force and which confirmed the compliance of the act, issued by state governing bodies, local self-governing bodies and their officials to the law. In this case the compliance of the act issued by state governing bodies, local self-governing bodies and their officials to the law may be again challenged by other citizens or legal entities only for the part which was not subjected to checking by the court.

Article 161. Requirements Made to the Statement on Acts Contradicting the Law Issued by State Governing Bodies, Local Self-Governing Bodies and their Officials to be Acknowledged as Invalid

1. The statement shall include:

1) the name of the state governing bodies, local self-governing bodies and their officials who passed the act;
2) the date when the act was approved;
3) time and manner of official publishing of the act, if any at all;
4) which of the citizen’s or legal entity’s rights and interests were violated by this act or its provisions;
5) which articles of the laws and/or the Constitution of the RA the disputed act contradicts to.

2. A copy of the disputed act or any part of it shall be enclosed in the statement.

Article 162. Examination of the Statement on Acts Contradicting the Law Issued by State Governing Bodies, Local Self-Governing Bodies and their Officials to be Acknowleded as Invalid

1. The court shall immediately send the statement on the act or any part of it, issued by state governing bodies, local self-governing bodies and their officials, as invalid on the grounds that it contradicts the law, to the body that has approved the act or official, which then is obliged to present its reply to the court within 10 days.
2. The reply received from the body that had approved the act shall be immediately submitted to the declarant, who has a right to make his objections to it within three days.
3. If required, the court on its initiative or by mediation of the parties shall appoint an expert.
4. The individual who submitted the statement, as well as the state governing body that had approved the act or their representative shall be duly notified about the time and place of the court session. Their absence in court shall not be an obstacle to examining and resolving the case.
5. The court during the court session shall check the competency of the state governing bodies, local self-governing bodies and their officials who passed the act, as well as its harmonization with the laws and the Constitution of the Republic of Armenia.
6. When examining the statement on acknowledging the act, passed by the state governing body, local self-governing body or their officials as invalid, the burden of proof for the circumstances that have served as a ground for the given act shall be put on the body that has passed the act or on their official.

Article 163. Court Judgement

1. The final part of the court judgement of the case on acknowledging the act passed by the state governing, local self-governing body or their official as invalid, shall include:

1) information about the name of the act, number, date of publishing, as well as the body, or the official that has passed the act;
2) note on acknowledging all or part of the act as invalid, or on dismissing all or part of the claim satisfaction.

2. In the event if the violated right of citizen cannot be restored only through the fact of the act contradicting the law, approved by state governing, local self-governing body or their officials and acknowledged as invalid, the court has a right to make the appropriate body or their official responsible for passing an act, restoring the rights and/or freedoms of the citizen, guaranteed by the law.
3. The court judgement on acknowledging the act contradicting to the law as invalid shall be published in the same official bulletin in which this act was published.

Article 185. Court Judgement

The court judgement which has acknowledged the amendments made in the register for civil status acts as passed, shall be a basis for amendments or change in the registration by the bodies issuing such civil status acts.

CHAPTER 33. Conducting Cases On Acknowledging Property As Vacant

Article 186. Submitting a Statement

The statement on the movable property to be acknowledged as vacant shall be submitted to the civil court in the place of residence of the legal entity or citizen owning the property.
The statement on acknowledging the real estate as vacant shall be submitted to the civil court where this property lies.

Article 187. Content of the Statement

The statement of the citizen or legal entity on acknowledging property as vacant shall point out which property shall be acknowledged as vacant, describe principal distinguishing features, as well as present proofs affirming the rights of preserving juridical possession.

Article 188. Court Judgement

On finding that the property has no owner or it was abandoned by its owner the court, without the intention of preserving the title with respect to property, shall pass a judgement to acknowledge the property as vacant and to give the ownership to the person possessing it.

CHAPTER 34. Conducting Cases On Establishing The Facts Having Legal Significance

Article 189. Cases examined by the court on establishing the facts having legal significance

1. The court examining civil cases or economic court in accordance with the jurisdiction of the cases shall approve the facts from which the origin, change or termination of personal or property title of citizens or legal entities depend on.
2. The court shall examine the cases which refer to:

1) ties of kinship between the persons;
2) person being in care of another;
3) registration of birth, adoption, marriage, divorce and death;
4) death of the person at a certain time and under certain circumstances, if the bodies responsible for registration of civil status acts refuse to register the individual’s death
5) location accepting inheritance and opening the will

6) accidents;
7) documents, determining the rights, other than passport and military certificate;
8) possession of property with the right of property;
9) presence of insurmountable force.

3. The court in the order established by legislation shall examine other facts having legal significance.

Article 190. Subconducting Cases on Establishing the Facts Having Legal Significance

Cases on establishing the facts having legal significance shall be examined in the court which is in the location of declarant's residence, other than cases on establishing the fact of possessing real estate with the property right, which shall be examined in the court located near the property.

Article 191. Requirements for the Statement on Establishing the Fact Having Legal Significance

The statement on establishing the fact having legal significance shall include: for which purpose the declarant requires the confirmation of the fact, as well as proofs confirming the impossibility of resuming the lost documents or receiving the appropriate documents by the declarant.

Article 192. Required Reasons for Establishing the Fact Having Legal Significance

The court shall confirm the fact having legal significance only in the event if the declarant has no other means of receiving appropriate documents confirming this fact or it is impossible to restore the lost documents.

Article 193. Court Judgement

1. The court judgement on confirming the fact having legal significance shall state the confirmed fact.
2. The court judgement on confirming the fact having legal significance shall be the foundation for registering this fact by the appropriate bodies.

CHAPTER 35. Conducting Cases On Restoring Lost Certified Warrant Rights By Securities As Stated By The Declarant

Article 194. Submitting a Statement

As per declarant or the individual who has lost the warrant security (hereinafter referred to as security) may present an appropriate application to the civil or economic court on recognizing the security as invalid and restoring the certified right based on it.

Article195. Conducting cases on restoring rights certified by lost warrant

Cases on restoring rights certified by lost warrant shall be examined in the court located near the organisation that issued that warrant.

Article 196. Requirements for the statement on restoring rights certified by lost warrant

1. The statement on restoring rights certified by lost warrant shall include the lost security terms, the name of the organisation that issued the security, as well as stated shall be the circumstances of losing the security.
2. In the event if the requirements mentioned in item 1 of this Article are not met, the court shall return the statement.

Article 197. Court Actions after the Submission of the Statement

1. The court after receiving the statement on restoring rights certified by lost warrant, shall make a judgement to cancel payments on this security.
2. The court shall publish an official announcement at the expense of the declarant in press.