

By the Judgement of 13 July 2021 No. 35-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 302, item 1 of the Civil Code of the Russian Federation.

This provision was subject to consideration insofar as within the current legal framework it serves as basis to decide on the issue on withdrawing a living premise (a share in such premise) from the citizen who acquired for a pay from an individual who became its owner after this living premise was a joint property of former spouses and was sold without consent of one of them by the other; where the withdrawal is initiated upon a claim of former spouse after the initial transfer was recognised invalid as having been performed without his or her consent.

The challenged provision was recognised as not contravening the Constitution of the Russian Federation insofar as according to its constitutional legal meaning within the current legal regulation system it encompasses that where a *bona fide* participant of civil life bought a living premise from a third person relying on the information reflected in the Unified State Roster of Real Estate (EGRN) and properly registered his newly acquired property rights in accordance with the law this living premise cannot be withdrawn from such owner upon claim of a former spouse who was a joint owner of a living premise but did not undertake timely measures required in terms of reasonableness and care to control the joint property of spouses and properly formalise rights on this property but successfully obtained recognition of the transaction of this living premise as invalid due to performing this transaction outside his or her consent.