

By the Judgement of 12 November 2018 No. 40-II/2018 the Constitutional Court appraised constitutionality of Paragraph 2 of Section 3 of Article 445 of the Civil Procedure Code of the Russian Federation.

The contested provision was a subject-matter of consideration insofar as on its basis it is decided on the possibility of reversal of a court judgement on exaction in favour of a citizen of monthly insurance payments for mandatory social insurance against accidents in production and professional diseases, including with regard to their indexation, in the event of abrogation of such a judgement in cassation or supervision order.

The Constitutional Court has recognised the contested provision as not contradicting the Constitution of the Russian Federation, since it may not serve as a ground for the reversal of a court judgement on exaction in favour of a citizen of monthly insurance payments, envisaged by the Federal Law “On Mandatory Social Insurance against Accidents in Production and Professional Diseases”, in the amounts established by this Federal Law, including with regard to their indexation, in the event of abrogation of such court judgements in cassation or supervision order, provided that the abrogated judgement was not based on false data communicated by the applicant or fake documents submitted by him.

The Constitutional Court has pointed out that courts in consideration in a specific case of the question of the possibility of reversal of a court judgement, abrogated in cassation or supervision order, on award of the said insurance payments, proceeding from their common destination with sums paid by the employer in compensation of damage caused to life or health of an employee, according to rules established by Chapter 59 of the Civil Code of the Russian Federation, must be guided by Paragraph 2 of Section 3 of Article 445 of the Civil Procedure Code of the Russian Federation.