

By the Judgement of 16 November 2018 No. 43-II/2018 the Constitutional Court appraised constitutionality of Section 1 of Article 44 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 to substitute a party with an acquirer of its property as procedural legal successor in the course of judicial proceedings in a case on the protection against violations of the right of ownership to this property.

The Constitutional Court has recognised the contested provision as not contradicting the Constitution of the Russian Federation, so far as it does not hinder the possibility to substitute a party with procedural legal successor in the said case.

Application of the contested provision by courts in the revealed constitutional law meaning allows to achieve in every specific case balance of interests of participants of disputable legal relations and to adopt a judgement meeting the requirements of legality, validity and fairness, proceeding from the margin of judicial appreciation in establishing juridical facts as grounds for legal succession (or for refusal to satisfy respective claim) envisaged by law, which contemplates the need of court's appraisal of procedural consequences of changes which take place in material legal relations.