

**By the Judgement of 3 October 2023 No.46-II, Constitutional Court of the Russian Federation assessed constitutionality of Article 131 (item 1) of the Civil Procedure Code and Article 14 (part 2, item 5) of the Federal Law «On State Registration of Immovable Property»**

The above-mentioned legal provisions have been considered to the extent that, in the system of current legal regulation and in accordance with the meaning given to them in the practice of courts of general jurisdiction, they serve as a basis for resolving the issue of the conditions under which, after consideration of a dispute over the ownership of real estate by an arbitration court, a state court may refuse to issue a writ of execution for the state registration of such right on the grounds of contradiction with the public policy of the Russian Federation.

The challenged legal provisions are recognised as not inconsistent with the Constitution of the Russian Federation, since - according to their constitutional and legal meaning in the system of the current legal regulation - they do not exclude the obligation of a state court to satisfy an application for the issue of a writ of execution to enforce a decision of an arbitration court on the said dispute, if a state court fails to establish and fully justify what exactly is the violation by this decision or its execution of the public policy of the Russian Federation and which provisions constitute such policy, including due to the bad faith behaviour of the parties, expressed, inter alia, in creating the appearance of a private legal dispute, circumventing the law to obtain formal grounds for registration of rights to real estate or other advantages contrary to the provisions of applicable law, which is focused on supporting good behaviour.