

By the Judgement of 20 November 2023 No.53-II, Constitutional Court of the Russian Federation assessed constitutionality Article 129, Article 331 (part 1) of the Civil Procedure Code of the Russian Federation.

The contested legal provisions have been considered insofar as, in the system of current legal regulation, they serve as a basis for the annulment of a court order for the recovery of alimony for minor children on the grounds of the debtor's objections to its enforcement after the expiry of the period for filing such objections, which, in the subsequent consideration of the same claims of the plaintiff, results in a shortening of the period for recovery of the alimony - due to limitation of its recovery for the past period in comparison with the period specified in the annulled court order.

The challenged provisions were found to be inconsistent with the Constitution of the Russian Federation to the extent that the annulment of such a court order in the event of an objection to its enforcement after the expiration of a significant period of time from the date of its entry into force, which is permitted in judicial practice, is not accompanied in the system of the current legal regulation by guarantees that the claims of the alimony claimant for the period for which the alimony was subject to recovery under the court order may be satisfied by way of judicial proceedings.

Until legislative changes are made, claims for the recovery of alimony for minor children made after a court order has been annulled in connection with the debtor's objections outside the time limit provided for may be satisfied for the entire period specified in the court order.

These provisions were also examined in conjunction with the provisions of Article 331 (part 1) of the Civil Procedure Code, insofar as they served as a basis for deciding whether a plaintiff could appeal against a decision to set aside a court order taken in the light of objections raised by the debtor outside the time limit.

The challenged interrelated provisions were found not to be inconsistent with the Constitution of the Russian Federation insofar as, according to their constitutional and legal meaning in the system of current legal regulation they provide for the possibility of the plaintiff to appeal against the relevant decision in these circumstances on the grounds that there were no valid reasons for the debtor's failure to raise these objections earlier, including within the prescribed time limit.