



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF HORVÁTH AND OTHERS v. HUNGARY

(Application no. 45407/05)

JUDGMENT
(revision)

STRASBOURG

17 May 2011

FINAL

17/08/2011

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Horváth and Others v. Hungary (request for revision of the judgment of 24 November 2009),

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Françoise Tulkens, *President*,

Danutė Jočienė,

Dragoljub Popović,

Giorgio Malinverni,

András Sajó,

Işıl Karakaş,

Guido Raimondi, *judges*,

and Stanley Naismith, *Section Registrar*,

Having deliberated in private on 12 April 2011,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 45407/05) against the Republic of Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by sixteen Hungarian nationals and two Hungarian companies (“the applicants”, listed in the Annex), on 12 December 2005.

2. In a judgment delivered on 24 November 2009, the Court held that there had been a violation of Article 6 § 1 of the Convention on account of the length of the civil proceedings to which the applicants were parties. The Court also decided to award to each of the applicants, except for Ms Katalin Visontai, Mr Kálmán Visontai and Dr Kálmán Visontai, 6,000 euros (EUR), and to Ms Katalin Visontai, Mr Kálmán Visontai and Dr Kálmán Visontai jointly, EUR 6,000, for non-pecuniary damage. It awarded the applicants jointly EUR 1,500 for costs and expenses, and dismissed the remainder of the claims for just satisfaction.

3. On 15 July 2010 the Government informed the Court that they had learned that Homola és Csang Kft had been dissolved on 6 June 2001 and that Mrs Györgyné Kárpáti had died on 24 September 2004. They accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court.

4. On 28 September 2010 the Court considered the request for revision and decided to give the applicants’ representative six weeks in which to submit any observations. Those observations were received on 22 November 2010. On 3 December 2010 the Government submitted observations in reply.

THE LAW

THE REQUEST FOR REVISION

5. The Government requested revision of the judgment of 24 November 2009, which they had been unable to execute because Homola és Csang Kft had been dissolved and Mrs Györgyné Kárpáti had died before the judgment had been adopted, and indeed, before the date of introduction of the application. They requested that the application be declared inadmissible as incompatible *ratione personae* in respect of those two applicants.

6. The applicants' representative stated that Mr József Jenei and Mr Zoltán Jenei were the successors of the late Mrs Györgyné Kárpáti both in the pending domestic proceedings and in the proceedings before the Court.

7. The Court considers that the judgment of 24 November 2009 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

“A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment.

...”

8. It accordingly decides to declare the application inadmissible as incompatible *ratione personae* within the meaning of Article 35 § 3 of the Convention in respect of Homola és Csang Kft, since that entity had ceased to exist before the application was introduced to the Court. It moreover decides to award the heirs of the late Mrs Györgyné Kárpáti, Mr József Jenei and Mr Zoltán Jenei, jointly, the amount it previously awarded to Mrs Györgyné Kárpáti, namely EUR 6,000 for non-pecuniary damage. In the latter respect, the Court notes that Mr József Jenei and Mr Zoltán Jenei had already been recognised as the deceased's heirs before the application was lodged and as such had become parties to the domestic proceedings.

9. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to revise the judgment of 24 November 2009;

accordingly,

Declares the application inadmissible in respect of Homola és Csang Kft;

Holds

- (a) that the respondent State is to pay jointly to the heirs of Mrs Györgyné Kárpáti, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 6,000 (six thousand euros) in respect of non-pecuniary damage, to be converted into Hungarian forints at the rate applicable at the date of settlement, plus any tax that may be chargeable;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 17 May 2011, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Françoise Tulkens
President

ANNEX**List of applicants**

<u>Name</u>	<u>Domicile</u>
1. Horváth Kálmán	Budapest
2. Büfé-Land Bt.	Budapest
3. Fodor Tamás	Budapest
4. Urbán Károly	Budapest
5. Homola és Csang Kft. (<i>dissolved</i>)	Budakeszi
6. Schön Andrásné	Budapest
7. Rózsa András	Budapest
8. Mátrai Antal	Budapest
9. Szász Béla	Budapest
10. Vagyóczky Mihályné	Budapest
11. Kovács Gábor	Budapest
12. Kapitány Karolina	Budapest
13. Kárpáti Györgyné (<i>deceased</i>)	Budapest
14. Takács Lászlóné	Budapest
15. Dávid Lászlóné	Budapest
16. Visontai Katalin	Budapest
17. Visontai Kálmán	Budapest
18. dr. Visontai Kálmán	Budapest