

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

SECOND SECTION

DECISION

Application no. 46741/07
István BRASSÓI
against Hungary

The European Court of Human Rights (Second Section), sitting on 22 May 2012 as a Committee composed of:

Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar*,

Having regard to the above application lodged on 17 October 2007,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr István Brassói, is a Hungarian national, who was born in 1951 and lives in Vác.

The Hungarian Government ("the Government") were represented by Mr L. Höltzl, Agent, Ministry of Justice and Law Enforcement.

The facts of the case, as submitted by the parties, may be summarised as follows.

Following the death of the applicant's father, the notary public granted probate temporarily ("*ideiglenes hagyatékátadó végzés*") on 25 October 2000.

On 15 December 2000 the wife of the deceased brought an action against the applicant before the Vác District Court, requesting the court to establish



entitlement to inheritance. On 17 June 2002 it partly accepted the plaintiff's claim. On 11 March 2003 the Pest County Regional Court quashed the first-instance judgment and remitted the case to the District Court.

In the resumed proceedings, on 18 May 2006 the District Court again found in part for the plaintiff.

On 16 January 2007 the Pest County Regional Court gave judgment, upholding the first-instance judgment. This judgment was served on the applicant on 9 February 2007.

The notary public granted probate on 21 March 2007, which became final on 11 June 2007.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about the length of inheritance dispute. Moreover, relying on Article 14 of the Convention, he complained about his alleged discrimination by the domestic courts compared to the plaintiff in light of the outcome of the proceedings. Lastly, he complained under Article 17 of the Convention about the alleged unfairness of the domestic courts' proceedings.

THE LAW

The Government submitted that final domestic decision in the case had been given by the Pest County Regional Court on 16 January 2007, served on the applicant on 9 February 2007. They pointed out that the application had been introduced on 17 October 2007, i.e. outside the six-month time-limit prescribed in Article 35 § 1 of the Convention. The applicant did not address this issue.

The Court considers that with the judgment delivered by the Pest County Regional Court on 16 January 2007, the judicial phase of the inheritance dispute ended, and the applicant's rights concerning the inheritance were adjudicated. The notary public's subsequent decision granting probate constituted a second, but separate procedure, which was administrative in its nature and did not interrupt the running of the six-month time-limit.

It follows that the application must be declared inadmissible, pursuant to Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Françoise Elens-Passos Deputy Registrar	Dragoljub Popović President