

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

SECOND SECTION

DECISION

Application no. 13597/06
Irén FÜLÖP
against Hungary

The European Court of Human Rights (Second Section), sitting on 13 December 2011 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 21 February 2006,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Irén Fülöp, is a Hungarian national who was born in 1956 and lives in Veszprém. She was represented before the Court by Mr I. Barbalics, a lawyer practising in Budapest.

A. The circumstances of the case

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

In August 1989 the applicant brought an action against private individuals before the Veszprém District Court, requesting the court to establish her ownership of a real estate. Following the remittal of the case, the Veszprém County Regional Court, acting as a second-instance court, finally found in part for the applicant on 25 April 2002.

In connection with the excessive length of the aforementioned proceedings, the applicant brought an official liability action against the Veszprém County Regional Court before the Fejér County Regional Court. Finding that there had been no damage caused by the respondent, it dismissed her action on 6 October 2004. On appeal, the Budapest Court of Appeal upheld this decision on 21 June 2005. The applicant lodged a petition for review with the Supreme Court. It upheld the second-instance decision on 6 April 2006. The domestic courts relied on documentary evidence and testimonies of the parties.

COMPLAINTS

The applicant complained under Article 6 of the Convention about the length of the first set of proceedings and about the outcome of the second set of proceedings.

THE LAW

The Court observes that the final decision in the first case was given by the Veszprém County Regional Court on 25 April 2002. However, the application was introduced only on 21 February 2006, i.e. more than six months later. It follows that this complaint must be rejected, pursuant to Article 35 §§ 1 and 4 of the Convention. The official liability action was no effective remedy in the circumstances and did not influence the running of the six-month time-limit.

As to the outcome of the official liability action itself, it is to be observed that the applicant's complaints are essentially of a fourth-instance nature: there is no indication in the case file that the domestic courts lacked impartiality or that the proceedings were otherwise unfair or arbitrary. It follows that this complaint is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4.

For these reasons, the Court unanimously

Declares the application inadmissible.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President