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

# FOURTH SECTION

# DECISION

Application no. 51229/22
Giorgi KALANDADZE
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 27 January 2026 as a Committee composed of:

Faris Vehabović*, President*,
Lorraine Schembri Orland,
Sebastian Răduleţu*, judges*,

and Giorgi Badashvili, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 51229/22) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 15 October 2022 by a Ukrainian national, Mr Giorgi Kalandadze ("the applicant"), who was born in 1980 and lives in Kyiv, Ukraine, and was represented by Mr P.S. Bogomazov, a lawyer practising in Kyiv;

the decision to give notice of the complaints under Article 6 § 1 and Article 18 of the Convention to the Georgian Government ("the Government"), represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice;

the parties' observations;

the fact that the Ukrainian Government did not make use of their right to intervene in the proceedings (Article 36 § 1 of the Convention);

Having deliberated, decides as follows:

## SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's allegation that a default judgment was wrongfully delivered against him and that he was thereafter deprived of an opportunity to obtain a fresh examination of the case with his participation. He complained under Article 6 § 1 and Article 18 of the Convention.

2. The applicant is a former Chief of Joint Staff of the armed forces of Georgia. Civil defamation proceedings were brought against him by T.T., a former official of the Ministry of Defence, whom the applicant had implicated in passing on classified military information to the Russian security services. After several unsuccessful attempts to serve the applicant with the civil claim, the court proceeded with serving notice by means of public announcement, posting the relevant information on its website and displaying it prominently within the court premises. On 2 October 2019 the Tbilisi City Court examined the defamation claim in the applicant's absence and granted it by way of a default judgment. The applicant was ordered, among other things, to pay the claimant non-pecuniary damages in the amount of 20,000 Georgian Laris (equivalent to about 7,000 euros).

3. On 7 July 2020 the applicant, acting via his lawyer, lodged a complaint with the Tbilisi City Court, seeking to have the default decision set aside. He argued that the default proceedings had been unfair because he had not been properly summoned to the hearing.

4. By a decision of 22 September 2021, the Tbilisi City Court dismissed the applicant's complaint. The court held, with reference to the relevant provisions of the Code of Civil Procedure, that the applicant had been duly informed of the proceedings via public notification and that there was therefore no legal basis to set the impugned decision aside.

5. That decision was upheld by the Tbilisi Court of Appeal on 31 January 2022. The appellate decision, adopted in written procedure, was final and not subject to further appeal. The applicable domestic law did not provide for automatic service of this decision on the parties (see paragraph 7 below).

6. On 11 April 2022 the registry of the appellate court sent a copy of the appellate decision to the email address of the applicant's lawyer. On 16 June 2022 the applicant's lawyer confirmed receipt of that email and the attached decision.

## THE COURT'S ASSESSMENT

7. The Government argued that the application was inadmissible on several grounds, including on account of the applicant's failure to comply with the four-month time-limit. They submitted, in that regard, that the applicant had been notified of the domestic court's final decision, that is, the Tbilisi Court of Appeal's decision of 31 January 2022, on 11 April 2022, whereas the application had been lodged with the Court on 15 October 2022. They stressed in this connection that, although under the Code of Civil Procedure the applicant had not been entitled to be served automatically with a copy of the final judgment, the registry of the domestic court, acting out of courtesy, had nevertheless sent the impugned decision by email to his lawyer.

8. The applicant did not comment on the Government's arguments.

9. The Court notes that the final domestic decision in the present case was adopted on 31 January 2022, that is before 1 February 2022; the case, accordingly, falls to be examined under the six-month and not the four-month rule (see *Tsulukidze and Rusulashvili v. Georgia*, nos. 44681/21 and 17256/22, § 35, with further references). The decision will, hence, refer to previous case-law on the six-month rule.

10. The Court reiterates that where an applicant is entitled to be served automatically with a written copy of the final domestic decision, the object and purpose of Article 35 § 1 of the Convention are best served by counting the six-month period as running from the date of service of the written judgment. However, where, as in the present case, domestic law does not provide for service, the Court considers it appropriate to take the date on which the decision was finalised as the starting-point, that being when the parties were definitely able to find out its content (see, among other authorities, *Papachelas v. Greece* [GC], no. 31423/96, § 30 *in fine*, ECHR 1999-II; *Köksal v. the Netherlands* (dec.), no. 31725/96, 19 September 2000; and *Piętka v. Poland*, no. 34216/07, § 44, 16 October 2012). At the same time, applicants or their lawyers must show due diligence in obtaining a copy of the decision deposited with the domestic court's registry (see, for instance, *Ipek v. Turkey* (dec.), no. 39706/98, 7 November 2000; *Ölmez v. Turkey* (dec.), no. 39464/98, 1 February 2005; and *Jakelaitis v. Lithuania* (dec.), no. 17414/05, 16 December 2008). Furthermore, the six-month period normally runs from the date on which an applicant's lawyer becomes aware of the decision completing the exhaustion requirement, regardless of the fact that the applicant him or herself becomes aware of it only later (see *Çelik v. Turkey* (dec.), no. 52991/99, ECHR 2004-X).

11. Turning to the circumstances of the present case, the Court observes that the final decision was delivered by the Tbilisi Court of Appeal, in a written procedure, on 31 January 2022 (see paragraph 5 above). A copy of that decision was sent by email to the applicant's lawyer by the domestic court's registry on 11 April 2022 (see paragraph 6 above). It is not disputed that the applicant's lawyer's email address was functioning, since the addressee received the email in question with the attached decision.

12. In view of the importance of the due diligence principle applicable where domestic law does not provide for the automatic service of court judgments (see paragraph 10 above), and noting that the applicant did not argue that his lawyer had taken any steps to obtain the impugned decision by any other means, the Court considers that the impugned decision was at the disposal of the applicant and his lawyer as of 11 April 2022, and that they were definitely able to acquaint themselves with its content on that date. The Court finds irrelevant the applicant's unelaborated argument that his lawyer confirmed receipt of the email in question only two months later, on 16 June 2022, as no explanation was provided for such a delay in acknowledgment of receipt. Even assuming that, in view of the relevant

domestic law provisions which do not provide for automatic service of judicial decisions in civil cases, the applicant's lawyer did not expect to receive a copy of the impugned decision by email, the lawyer was all the more required to act with the requisite due diligence and to contact the Tbilisi Court of Appeal on her own initiative in order to obtain the final decision by other means (see *Akif Hasanov v. Azerbaijan*, no. 7268/10, § 31, 19 September 2019, and *Ölmez*, the decision cited above); however, the lawyer never attempted to do so. In this connection, it is also important to note that, if the applicant considered that his lawyer had acted negligently and that he should not bear responsibility for her failure, he should, at the very least, have brought proceedings to recover damages from her (compare *Jakelaitis*, the decision cited above).

13. To sum up, the application was lodged on 15 October 2022, that is more than six months after 11 April 2022, the date on which the final decision was made available to the applicant's lawyer, who could, by exercising the requisite due diligence, have acquainted herself with its content on that date. The Court, accordingly, considers that the application was introduced outside of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 19 February 2026.

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| Giorgi Badashvili<br>Acting Deputy Registrar | Faris Vehabović<br>President |