CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

FINAL DECISION

Application no. 25079/05
by Roman PULARIA
against Georgia

The European Court of Human Rights (Second Section), sitting on 12 February 2008 as a Chamber composed of:

Françoise Tulkens, *President,*
Antonella Mularoni,
Ireneu Cabral Barreto,
Vladimiro Zagrebelsky,
Dragoljub Popović,
András Sajó,
Nona Tsotsoria, *judges,*

and Sally Dollé , *Section Registrar,*

Having regard to the above application lodged on 20 June 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the comments submitted by the Government on 15 January 2008,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Roman Pularia, was a Georgian national who was born in 1947 and lived in Rustavi. He died on 9 April 2006.

The respondent Government were represented by their Agent, Mr D. Tomadze of the Ministry of Justice.

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

On 14 February 1997 the applicant brought a civil action against a private company, a regional authority in charge of State property management and a prosecutor's office, claiming that their unlawful actions in 1995-1996 had deprived his company of its possessions.

On 24 November 1999 the Rustavi City Court upheld the applicant's action in part. It ordered the respondent company to pay the applicant damages in the amount of EUR 3,700 ("the judgment debt"), dismissing the remainder of his action.

On 24 December 1999 the applicant appealed against the unfavourable part of the judgment of 24 November 1999. As the remainder of the judgment was not challenged by any of the parties, it became binding.

By the time of lodging the present application with the Court in 2005, the civil proceedings, in so far as the disputed part of the judgment of 24 November 1999 was concerned, were still pending.

As to the judgment debt, the authorities failed to enforce it, despite the applicant's numerous requests to that end.

COMPLAINTS

The applicant complained under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 about the length of the civil proceedings, a deprivation of property and the non-enforcement of the judgment debt.

PROCEDURE

On 17 October 2007 notice of the application was given to the Government. On 13 December 2007 the Court sent the applicant a procedural proposal for comment, but it was returned undelivered by the postal service as the applicant was not to be found at his address. On 15 January 2008 the Government informed the Court that the applicant had died on 9 April 2006 and that no-one had come forward wishing to pursue the case. The Government consequently requested that the application be struck out of the Court's list of cases under Article 37 of the Convention.

THE LAW

The Court notes that the late applicant was not represented in the present proceedings and that no information about any of his relatives or lawful heirs could be discerned from the case file. Taking into account the Government's submission of 15 January 2008, the Court concludes that no rightful successor has been identified who would wish to maintain the present case. In these circumstances, it is no longer justified to continue the examination of the application, within the meaning of Article 37 § 1 (c) of the Convention. Moreover, in accordance with Article 37 § 1 *in fine*, it finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require its further examination. Accordingly, the application of Article 29 § 3 of the Convention should be discontinued and the case struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Sally Dollé
Registrar

Françoise Tulkens
President