

**SUPREME COURT OF KOSOVO
GJYKATA SUPREME E KOSOVËS
VRHOVNI SUD KOSOVA**

**KOSOVO PROPERTY AGENCY (KPA) APPEALS PANEL
KOLEGJI I APELIT TË AKP-së
ŽALBENO VEĆE KAI**

GSK-KPA-A-43/12

Prishtinë/Priština, 10 December 2013

In the proceedings of

P.I

Appellant

vs.

B/M

Claimant/Appellee

The KPA Appeals Panel of the Supreme Court of Kosovo composed of Elka Filcheva-Ermenkova, Presiding Judge, Willem Brouwer and Sylejman Nuredini, Judges, on the appeal against the decision of the Kosovo Property Claims Commission KPCC/D/A/83/2010 (case file registered at the KPA under the number KPA17887), dated 2 September 2010, after deliberation held on 10 December 2013, issues the following

JUDGMENT

- 1- The appeal of P.I is dismissed as impermissible due to lack of legal interest.**

On 17 November 2011 A.I filed an appeal against decision of the Kosovo Property Claims Commission KPCC/D/A/83/2010, dated 2 September 2010, in the part related to case registered under number KPA17887. The appeal was considered by the court under case file number 220/2011.

On 23 February 2012 the same decision of the KPCC has been appealed by P.I.

By omission of the Court the appeals have not been considered together.

On 4 June 2012 the KPA Appeals Panel with decision on case file number 220/11 has annulled the decision of the Kosovo Property Claims Commission KPCC/D/A/83/2010, dated 2 September 2010, in the part related to the case registered under number KPA17887.

Under these circumstances the appeal of P.I against the same decision has no legal interest and had to be dismissed. The requirement for a legal interest stands throughout the civil proceedings and is applicable to every party – arg. after art. 2. 4 of the Law on Contested Procedure. The Law stipulates that a party must have a legal interest in the claim and other procedural actions that may be taken in the proceedings.

Based on article 196 of LCC, property claim submitted by B.M is dismissed.

In accordance with above mentioned, the Supreme Court decides as in enacting clause.

The appellant is not obliged to pay court fees since its inadmissibility results from the omission of the Court to join proceedings of cases 43/12 and 220/12.

Legal Advice:

Pursuant to Section 13.6 of UNMIK Regulation 2006/50 as amended by Law 03/L-079, this judgment is final and enforceable and cannot be challenged through ordinary or extraordinary remedies.

Elka Filcheva-Ermenkova, EULEX Presiding Judge

Sylejman Nuredini, Judge

Willem Brouwer, EULEX Judge

Holger Engelmann, EULEX Registrar