

**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-115/2014

**Prishtinë/Priština,
26 April 2017**

In the proceedings of:

S. D. on behalf of the late V. M.

Serbia

Appellant

Vs

Nobody

Appellee

The KPA Appeals Panel of the Supreme Court of Kosovo composed of Judges Sylejman Nuredini, Presiding Judge, Beshir Islami and Krassimir Mazgalov, members, on the Claim for extraordinary revision of Judgment GSK-KPA-A-115/2014 of the Supreme Court of Kosovo – Kosovo Property Agency Appeals Panel (henceforth: KPA) dated 21 September 2016, in the Panel's hearing held on 26 April 2017, issues the following:

JUDGMENT

The Claim for extraordinary revision of Judgment GSK-KPA-A-115/2014 of the Supreme Court of Kosovo – Kosovo Property Agency Appeals Panel, dated 21 September 2016, is dismissed as impermissible.

Procedural and factual background:

1. On 9 February 2007, S. D. (henceforth: the Appellant) filed a Claim with the Kosovo Property Agency (KPA), seeking confirmation of property right and repossession over a house with a yard located on cadastral parcel no. 5014, Cadastral Municipality Prishtinë/Priština, with a surface of 6 are 9 m² (henceforth: the claimed property). She explained that her late maternal aunt V.M. was the owner of the claimed property and that she had lost possession over the claimed property on 13 June 1999 due to the circumstances in Kosovo in the period 1998/1999. She alleges that her late aunt had no other inheritors besides the Appellant and her sister. According to the Appellant, the claimed property has been usurped.
2. The case has been registered under KPA17959
3. On 21 September 2016 the Appeals Panel, regarding KPA Decisions, of the Supreme Court of Kosovo dismissed the Appeal of S. D. against the Decision of the Kosovo Property Claims Commission KPCC/D/R/231/2014 regarding the case file registered at the KPA under KPA17959 dated 13 March 2014 as belated. In the reasoning of its Judgment it stated that based on the evidence found in the case file the Appeal was belated.
4. After ruling on the Appeal, the Supreme Court serviced the Judgment to the KPA and pursuant to the provisions of Section 12.12 of the UNMIK Regulation 2006/50, as amended by Law 03/L-079 the Executive Secretariat of the Agency served the Judgment onto the Appellant on 30 January 2017.
5. On 20 March 2017 S. D. requested an extraordinary revision of Judgment GSK-KPA-A-115/2014 of the Supreme Court of Kosovo – Kosovo Property Agency Appeals Panel dated 21 September 2016.

Legal Reasoning

6. The Supreme Court of Kosovo found that the Claim for extraordinary revision of Judgment is impermissible and as such it should be dismissed. In the reasoning of the Judgment in the last paragraph “**Legal Advise**” it is stated that “pursuant to Section 13.6 of the 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 legal remedies.

7. Therefore, the Court concludes that the Judgment cannot be reviewed again because this is clearly envisaged by the abovementioned legal provisions and for the abovementioned reasons the Court did not review the merits of the Claim and decided as in the enacting clause.

Sylejman Nuredini, Presiding Judge

Krassimir Mazgalov, EULEX Judge

Beshir Islami, Judge

Sandra Gudaityte, EULEX Registrar