



The Federal Supreme Court (F S C) has been convened on 10.7.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges, Hussein Abbas Abu AL-Temman and Mohammed Rajab Al-Kubaisi who authorized in the name of the people to judge and they made the following decision:

Plaintiff / (ghain. ain. jim.) his agent (ha. mim. shin.).

Defendant/Speaker of the House of Representatives / being in this capacity his attorney the tow human rights officers (sin. taa. yeh.) and (haa. mim. sin.)

Claim:

The plaintiff claimed that a case had already been filed against his client in Personal Status Court in Kufa No.(975/shin/2018) according to the decision No. (127) of 1999 issued from Revolutionary Command Council dissolved, because the mentioned decision and that the said decision was contrary to law and law, as his client is seriously harmed by the decision described as the dowry in terms of legitimacy and legal does not increase or decrease, so he asked the defendant's invitation to plead and the decision to cancel the decision above after receiving the petition case by the Personal Status Court in Kufa and the legal fee is complied with, it should be noted that at the appointed session 30/5/2018 the case has been taken into account for the outcome of this case where she was registered with this court according to the paragraph (3rd) of

article (1) from the bylaw of the FSC then respondents' reply was received in which they requested the rejection of the case for the reasons stated therein and after the completion of the procedures required in accordance with paragraph (2nd) article (2) of the same bylaw. The date of 9/10/2018 was set for the argument In which the court was formed and the defendant's agents attended and the prosecutor's agent did not attend despite the notification according to the bylaw of the FSC No. (1) of 2005 , decided to proceed with the case in his absence and after checking the statement of the plaintiff in his petition and to see the pleading and found the court that the case was updated for the reasons of the ruling decided to end the pleading and understood the verdict publicly 9/10/2018.

The Decision :

For scrutiny and deliberated by FSC found that the agent of the plaintiff explain that a case was filed against his client in the Personal Status Court in Kufa No. (975/shin/2018) according to the provision of the decision No. (127 of the year 1999) issued from Revolutionary Command Council dissolved claimed that this decision violate with Sharia and law so he challenge before the Personal Status Court in Kufa unconstitutionality he has challenge it to this court and the court of subject decided prosecution of the pending case perspective until the result and send the case to this court at the hearing date 30/5/2018 , the FSC found that the decision subject of challenge No. (127 of the year 1999) issued from Revolutionary Command Council dissolved which state (**First-** A woman fulfills her deferred dowry in the case of divorce, and is liable to gold on the date of the marriage contract) Does not conflict with Sharia and law because the late dowry is considered a debt in the debt of the husband from the day of its emergence and that its real value is required to be at its inception and at maturity according to time and place in relation to the value of the currency on the day of its inception, which necessitates relying on evaluating the dowry of women who are late in gold on the date of the marriage contract and its equivalent of the equivalent of that when performing. This is what the

contested decision after its constitutionality the FSC found that The ruling on the subject of the appeal would lead to the fairness of the divorcees and the economic balance of the currency value of the currency when the emergence of religion and the entitlement and achieve the justice sought by the constants of Islamic law and the provisions of the constitution therefore, the plaintiff's case is not based on the basis of the constitution and is a breach of its legitimate and legal authority. This is what the FSC has referred to in many of its rulings including the judgment issued in the case (32/federal/2014) on 2/6/2014 Therefore, the FSC decided to reject the lawsuit, while charging the costs and fees of the agents of the defendant/ being in this capacity (sin. taa. yeh) and (ha. mim. shin.) a sum of one hundred thousand dinars in equal shares between them and the ruling was issued on the basis of article (94) of the constitution it was publicly understood on 9/10/2018.