



The Federal Supreme Court (F S C) has been convened on 20.8.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges 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 Qasim Al-Janabi who authorized in the name of the people to judge and they made the following decision:

Appellant / (zin. ha. ta.) his agent (alif. kha. jim.).

Respondent / (zin. ain. lam.)

Cassation Body:

The defendant's agent was challenged during the legal proceedings No. (2/shin/2018) To the personal status court in Qurna at the session on 12/3/2018 unconstitutionality of the article (40) Of the Personal Status Law to contradict the provisions of the Constitution and the provisions of the Islamic Shariah, the court decided to assign him to provide his defense in a case and his defense was filed as a claim And pay the legal fee on 29/3/2018 and in the session on 5/4/2018. The court decided to reject the defense provided by an agent of the appellant (the agent of defendant) and to the conviction of the agent of the appellant /defendant / challenge cassation before the FSC under the pleading on 11/4/2018 request to reject the decision for violate law.

The Decision :

For scrutiny and deliberated by FSC found that the cassation challenge is filed within the legal duration and it is decided to accept it in form, at scrutinizing the cassation decision to reject the defense of the agent of the appellant /defendant/ in the session on 5/4/2018 found that its true and agreement with law decided to ratify and reject the cassation pleading and charging appellant the cassation fees and return the file to its court in accordance with the rules and issued the resolution binding agreement on the basis of the provisions of the article (94) of the Constitution of the Republic of Iraq for 2005 and article (5/2nd) of the Law of the FSC No. (30) of 2005 on 20/8/2018.