

Republic of Iraq
Federal Supreme Court
Ref 171/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 3/7/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid, Hayder Ali Noori, Khalef Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, and Munther Ibrahim Husain who are authorized in the name of the people to judge and they made the following decision:

The Appellant: Muhaiman Omran Ali – His agent the barrister Osama Hayawi Hamza,
The Appellee: Speaker of the Council of Representatives / being in this capacity.

The Personal Status Court in New Baghdad issued its decision on 16/5/2024 in lawsuit No. (4853/Shin/2024) rejecting the constitutional lawsuit submitted by the distinguished (Muhaiman Omran Ali) regarding the unconstitutionality of the text of Article (39/3rd) of the Personal Status Law No. (188) of 1959, as amended, and due to the dissatisfaction of the distinguished with the aforementioned decision, he took the initiative to challenge it for the reasons stated in his appealing petition, and the court put the case under scrutiny and issued its following decision:

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the Personal Status Court in New Baghdad issued its decision on 16/5/2024 in the lawsuit numbered (4853/Shin/2024) and ruled to reject the lawsuit submitted by the plaintiff (distinguished) of the unconstitutionality of the text of Article (39/3rd) of the Personal Status Law No. (188) of 1959, as amended, and that the distinguished appealed

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the aforementioned decision and paid the legal fee for it on 27/5/2024, as the decision of the Court of First Instance to reject the lawsuit of unconstitutionality with a text related to the lawsuit pending before it is subject to appeal to this court within seven days from the date of rejection, as stipulated in Article (18/5th) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022, whereas the periods specified for reviewing the methods of appeal against decisions are inevitable, non-observance and exceeding them entails the loss of the right to appeal, and the court shall rule on its own initiative to reject the appeal petition if it occurs after the expiry of the legal periods pursuant to the provisions of Article (171) of the Civil Procedure Law No. (83) of 1969, as amended, therefore, the discriminatory appeal of the discriminator shall be submitted outside the legal period stipulated in Article (18/5th) of the Rules of Procedure of this Court, therefore, the discriminatory appeal should be rejected in form from this view and for the foregoing, the Federal Supreme Court decided to reject the challenge appeal petition and charging him the appeal fee, and the decision has been issued unanimously on 26 Dhu al-Hijjah 1446 A.H. corresponding to 3/7/2024 AD.

Judge
Jassim Mohammed Abood
President of the Federal Supreme Court

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