

Period of Limitation: Federal Cassation and House of Federation Decisions

Description

By DMLF Team

In Ethiopia's judicial system, the decisions made by the Federal Cassation Bench, comprised of five judges, hold binding authority over all courts in the country. This principle is established under Proclamation No. 454/1997 and has been practiced for nearly two decades. Later, Proclamation No. 1234/2013 reaffirmed this binding effect in Articles 10(2) and 25(2), emphasizing the importance of uniformity in judicial decisions across federal and regional courts.

However, over time, differing decisions from the cassation bench have led to inconsistencies, especially regarding the period of limitation. Below are cases that illustrate these contradictions, culminating in resolutions by a larger cassation bench with seven judges and some by the House of Federation.

? Period of Limitation for Unlawful Enrichment

Initially, the cassation bench ruled in Volume 6, File No. 34406, that the period of limitation for claims of unlawful enrichment is two years. This decision reasoned that since unlawful enrichment falls under the same title as extra-contractual liabilities, its limitation period should mirror that of extra-contractual claims.

However, the bench later reversed this stance in Volume 22, File No. 78629, declaring the limitation period for unlawful enrichment to be ten years. The rationale was that merely sharing a chapter does not justify applying the same limitations, particularly when different limitations exist for different claims. This decision cited Article 1677(1), which states, "the relevant provision of this title shall apply to obligations notwithstanding that they do not arise out of a contract."

? Court Authority on Period of Limitation

In a significant ruling by the House of Federation, documented in File No. 69/11 during its 5th era, 4th year, 2nd meeting, the house overruled a prior decision from the cassation bench (File No. 119714). The House prohibited courts from rising the period of limitation unless the parties involved raised it themselves. This ruling underscored the need for judicial restraint regarding period of limitations unless the parties raised it.

? Partition of Common Property of Spouses

In another significant decision, the House of Federation addressed the partition of common property between spouses during its 5th era, 5th year, in the first meeting documented as File No. 49/10 and 50/10. This ruling nullified a previous cassation decision (File No. 20938, Volume 4), which imposed a limitation period on partition claims. The House articulated that unless a marriage is dissolved through court proceedings, there should be no period of limitation for partitioning of common properties.

? Jurisdiction and Period of Limitation

In a notable case concerning jurisdiction, the cassation bench with seven judges addressed contradictory rulings on the interruption of limitation periods. Earlier, in Volume 3, File No. 16648, a decision stated that if a case was presented in a court lacking jurisdiction, the limitation period would not be interrupted. However, this was amended in Volume 9, File No. 36730, affirming that actions taken by the parties could indeed interrupt the period of limitation, even in the absence of jurisdiction. Period of limitation for filing an appeal against the interpretation of a constitution

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The Council of Constitutional Inquiry, under file number 293, previously established a decision regarding the appeals process for constitutional interpretation. According to this decision, appeals against court decisions concerning constitutional interpretation were required to be filed within 90 days of the court's decision, as stipulated in Article 22, Sub-article 3 of Proclamation No. 250/1993.

In a significant turn of events, the House of Federation has reversed the Council's decision. The new ruling states that there is no longer a limitation period for filing an appeal against court decisions related to constitutional interpretation. This change marks a pivotal shift in the approach to constitutional inquiries. The recent amendment underscores the importance of timely access to constitutional justice without the constraints of a specific time frame.

Conclusion

The evolving decisions of the Federal Cassation Bench and the House of Federation regarding these legal principles reflect the complexities of Ethiopia's judicial landscape. Clarity and uniformity remain essential for ensuring justice in the system as courts navigate varying interpretations of period limitation. It is crucial for legal practitioners and parties involved to stay informed about the latest rulings and their implications.

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