

Recording the statements of the other party in the mediation application was deemed sufficient to file a counterclaim.

6 Jun 2023

The decision of the 9th Civil Chamber of the Supreme Court dated 27.03.2023, numbered 2023/3808 E. and 2023/4378 K. ("**Supreme Court**") was published in the Official Gazette No. 32180 on 04.05.2023. In accordance with such decision of the Supreme Court, Adıyaman Labor Court's ("**Local Court**") judgement dated 03.07.2020, numbered 2019/418 E. and 2020/571 K. was overturned, and conditions of mediation were determined.

When the Supreme Court decision is examined, it is understood that the decision of reversing was given for the sake of law as follows:

- The claimant employee has demanded severance and notice indemnities and other labor receivables from the defendant employer,
- The defendant employer also filed a counterclaim against the claimant employee with a demand for notice indemnity,
- The defendant's employer declared that they have demanded notice indemnity during the mediation negotiations initially applied by the claimant employee, and that this matter was clearly written in the final mediation report,
- Due to the fact that both the claimant's and the defendant's demands were written in the final mediation report, The Supreme Court stated that the Local Court's decision of *"not fulfilling the mediation requirement for the notice compensation lawsuit demanded by the defendant - counter claimant employer in the counterclaim"* is not accurate.

In accordance with the decision of the Supreme Court, the requirement for the party who will file a counterclaim to apply for a separate mediator has been removed, if other conditions have been met.

Details of the Supreme Court Decision can be found through this [link](#) (only available in Turkish).

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