

The Constitutional Court Decided That Awarding Two Separate Compensation In The Same Case Is Not A Violation of The Property Right

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In its decision dated 3 April 2024 and numbered 2019/25805 ("**Decision**"), the Constitutional Court ruled that awarding two separate compensation against the same party for two different lawsuits filed regarding one case does not violate the property right.

The applicant claimed that the signature on the promissory note is not belong to him and requested the annulment of the execution proceedings, but the court ruled against the applicant for denial compensation and a fine.

At the same time, the applicant filed a negative declaration action, and this action was also concluded against the applicant, and the applicant was ordered to pay a denial compensation. Thereupon, the applicant filed an individual application claiming that his property right was violated.

The Constitutional Court concluded that the compensation could be awarded separately due to their different nature, the claims related to the property right were duly handled by the judiciary, a fair balance was established between the parties in the legislation, the decision was made within a specific, accessible and foreseeable legal framework established in advance by the courts, and the compensation awarded did not impose an excessive and unusual burden on the applicant personally.

For these reasons, it was stated that the interference with the applicant's property right was legitimate and the application in question was rejected by majority of votes as manifestly unfounded.

The applicant's complaint about the long duration of the proceedings was unanimously declared inadmissible for non-exhaustion of remedies.

The relevant Constitutional Court Decision was published in the Official Gazette dated 7 June 2024 and numbered 32569.

The full text of the Decision can be reached through [this link](#). (Only Available in Turkish)

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