

The decision of the Constitutional Court dated 30.11.2023 and numbered 2023/101 E. 2023/207 K. published in the Official Gazette dated 18.01.2024

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The decision of the Constitutional Court dated 30.11.2023 and numbered 2023/101 E. 2023/207 K. published in the Official Gazette dated 18.01.2024 is as follows:

Paragraph (2) of Article 326 of the Code of Civil Procedure dated 12.01.2011 and numbered 6100 is unconstitutional and has been decided to be annulled in terms of “compensation lawsuits based on confiscation without expropriation”.

Article 326 of CCP titled Responsibility for Trial Expenses now is as follows:

1. Except for the cases stipulated by law, the court shall decide to charge the costs of proceedings to the party against whom the decision is rendered.
1. **If each party is partially justified in the case, the court shall apportion the costs of proceedings according to the proportion of justification of the parties.**
1. If there is more than one party that whom a decision is rendered against, the court may allocate the costs of proceedings among them or may decide that they shall be held jointly and severally liable.