

In the Decision of the 9th Civil Chamber of the Court of Cassation dated 22.06.2023 and numbered 2023/10476 E

18/08/2023

In the Decision of the 9th Civil Chamber of the Court of Cassation dated 22.06.2023 and numbered 2023/10476 E. 2023/9999 K.; it has been decided by the court of first instance that in the dispute regarding the claim for employment receivables, the defendant and their non-party partner have been included in the case and have been held jointly and severally liable for the receivables that have been awarded as a result of the proceeding. However; regarding the lawsuits to be filed against joint ventures, provided that the subject of dispute is a receivable (money), since the partners of the joint venture are jointly liable for this debt, the lawsuit can be filed against one, some or all of the partners; and in this case, there will be an arbitrary joinder of parties between them (as per the decision of the Court of Cassation 9th Civil Chamber dated 08.06. 2021 and numbered 2021/5889 E. 2021/10000) it has been determined that the inclusion of the non-party partner in the lawsuit is erroneous, that reaching a decision without considering that mediation, which is a procedural requirement for the non-party partner, does not exist in the case is inappropriate; and therefore, it has been unanimously decided to reverse the judgement in favor of the administration of justice.

You can access the full text of the decision at <https://www.resmigazete.gov.tr/eskiler/2023/08/20230818-21.pdf>