

Communication concerning the decision of the Curia of Hungary
in the administrative case n° Kfv.III.37.503/2012

In its decision the Regional Office of Land Administration rejected the claim submitted by the plaintiff, the bailiff, for the registration of the right to enforcement on the property owned by the debtor, arguing that the plaintiff did not prove the payment of the administrative service fee in spite of a call for supplying the deficiency.

The first-instance court rejected the claim submitted against the decision of the defendant.

The Curia, proceeding as a review court, ordered the registration of the right to enforcement based on the claim of the bailiff. According to the Curia, it is not the task of the Office of Land Administration to examine if the enforcement procedure complied with the requirements of the enforcement law. In the case of the seizure of a property the Office is obliged to register the right to enforcement even if the administrative service fee has not been paid. In such a case the unpaid fee shall be considered as a public due to be collected in the form of a tax.

Budapest, the 24th of May 2013

Administrative and Labour Department of the Curia of Hungary