



(State Emblem)

**Decision on Public Notification**

**on behalf of Georgia**

25.02.2014

City of Gurjaani

**Gurjaani district court**

Judge: Natela Jashiashvili

Secretary of the court session: Naira Abashidze

Plaintiff – Sergi Kakalashvili

Representative – Leila Garsevanishvili

Defendant – Gurjaani Municipal City Council

Representative – Nana Chabukadze

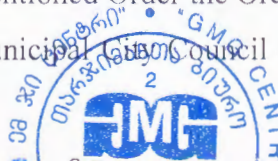
Third persons: 1) “George Medical Center” LLC; 2) Alon Eshedi

Subject of dispute: Recognition of the individual administrative-legal act null and void

The court discussed the issue of delivery under public notification of the claim and the attached materials to the third person Alon Eshedi without oral hearing, the following has been established:

The Administrative claim of Mr. Sergi Kakalashvili against Gurjaani Municipal City Council on recognition of the individual administrative-legal act null and void is under the proceeding by Gurjaani district court.

According to the claim and the materials attached on January 31, 2013 the chairman of Gurjaani Municipal City Council issued the Order #39; under the mentioned Order the Order #110 of December 1, 2010 issued by the chairman of Gurjaani Municipal City Council on



“Delivery of the Property to Mr. Sergi Kakalashvili” was recognized as revoked and the legal consequences arisen from the fact of effectiveness of the mentioned Order has been also revoked; consequently the right to property of Gurjaani Municipality was restored toward the “Gurjaanui Railway Ambulatory” LLC currently referred to as the “George Medical Center” LLC. The result of the auction of October 18, 2010 in the part of privatization of the “Gurjaanui Railway Ambulatory” LLC was revoked and in accordance with the mentioned the minute executed with Mr. Sergi Kakalashvili (contract #3, dated by 18.10.2010) was revoked; Mr. Sergi Kakalashvili was charged to pay the fine in amount of 314000 GEL for failure of fulfillment of the investment conditions undertaken under the contract; the term for payment was determined as 30 days.

The chairman of Gurjaani Municipal City Council issued the Order #66 on March 1, 2013; under the mentioned Order the the Property Certificate #8 issued on December 7, 2010 issued on the basis of the Order #110 of December 1, 2010 issued by the chairman of Gurjaani Municipal City Council on “Delivery of the Property to Mr. Sergi Kakalashvili” was recognized as revoked, also the Delivery-Acceptance Act, under which the Gurjaani Railway Ambulatory” LLC in the address: 32, Guramishvili str. city of Gurjaani – currently referred to as the “George Medical Center” was delivered to Mr. Sergi Kakalashvili in his ownership as well as the Delivery-Acceptance Act #11 executed by and between the Municipality of Gurjaani and Mr. Shota Tsiklauri - the representative of Mr. Sergi Kakalashvili – was revoked; the legal consequences arisen from the effectiveness of these administrative acts were revoked as well.

The plaintiff claims to recognize the Order #39 of January 31, 2013 and the Order #66 of March 1, 2013 issued by the Chairman of Gurjaani Municipal City Council null and void.

The mediation of Gurjaani Municipal City Council was satisfied at the preparatory session of the court held on April 26, 2013 and in compliance with the second part of the article 16 of the Administrative Procedure Code of Georgia the “George Medical Center” LLC and Mr. Alon Eshedi, citizen of Israel, 50% shareholder of the “George Medical Center” LLC were engaged in the capacity of the third persons in the case.

According to the 5-th part of the article 16 of the Administrative Procedure Code of Georgia, the third person defined by the second part of the mentioned article enjoys all rights assigned to a plaintiff (defendant) and also he/she shall be charged all obligations assigned to a plaintiff (defendant).



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In compliance with the article 185 of the Civil Procedure Code of Georgia, the claim was sent several times to the address of Alon Eshedi that was known to the court, in particular the claim was sent to the following address: Israel, Neshet, 17, Hameshila str.; also the attached documents were sent to the mentioned individual though delivery of the mentioned materials to the addressee was failed due to unavailability to search for the mentioned individual. On the basis of the file materials the court considers as established that the last domicile of Mr. Alon Eshedi is Israel, Neshet, 17, Hameshila str.

The court considers Mr. Alon Eshedi should be notified about the claim through public notification due to the following circumstances:

According to the second part of the first article of the Administrative Procedure Code of Georgia, if otherwise is not provided by this Code, the administrative proceedings shall apply the provisions of the Civil Procedure Code of Georgia.

According to the 4-th part of the article 184 of the Civil Procedure Code of Georgia, in case if the domicile of a respondent is unknown or in case of unavailability of delivery of the court summon to the addressee in any other way the court shall be authorized to make the decision on the basis of the mediation on public notification of the court summon.

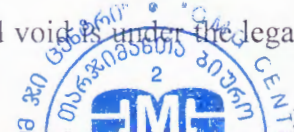
In compliance with the first part of the article 78 of the Civil Code of Georgia, in case if the address of the party is unknown or in case of unavailability of delivery of the court summon to the addressee the court shall be authorized to make the decision on public dissemination of the court summon; the latter shall be displayed in the visual place in the venue of the court or it shall be linked in the website on the 7-th day of the day of its publication.

The circumstance regarding the fact that the whereabouts of Mr. Alon Eshedi is unknown and there is no other way to deliver the court summon to him is duly confirmed by the evidences submitted, accordingly the court is authorized to make the decision on public dissemination of the court summon/notification.

The court – guiding the second part of the first article of the Administrative Procedure Code of Georgia, also the articles 183, 184, 78, 201, 285, 414 of the Civil Procedure Code of Georgia has established the following:

1. By the present publication Gurjaani district court notifies to Mr. Alon Eshedi (date of birth: 25.08.1970; passport #ISR 12799205; P/N 0-2499703-3; residing in Israel, Neshet, 17, Hameshila str.) the following:

- 1.1. The claim of Mr. Sergi Kakalashvili against Gurjaani Municipal City Council on recognition of the individual administrative-legal act null and void under the legal



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proceedings managed by Gurjaani district court; the third persons are the following: the “George Medical Center” LLC and Mr. Alon Eshedi, 50% shareholder of the “George Medical Center” LLC;

2. The process of preparation of the case is commenced in order to review it at the preparatory session of the court. Mr. Alon Eshedi – the third person has been assigned 10 (ten) days to make a counterclaim;
3. Mr. Alon Eshedi – the third person is obliged to submit to the court his counterclaim after reception of the claim and the copies of the documents attached for the claim and the issues stated in it, also he is obliged to impose his opinions regarding the documents attached to the claim and the documents certifying the fact of communication of the copies of the documents attached to the counterclaim. The counterclaim should meet the requirements provided by the second part of the article 201 of the Civil Procedure Code of Georgia;
4. The decision on public notification shall be published and the content shall be acknowledged in the manner of public dissemination of the notification;
5. With the purpose to execute the public notification above the decision of February 25, 2014 by Gurjaani district court on public notification shall be emplaced in the website of the Department of Common Courts of the High Council of Justice of Georgia ([www.geocourts.ge](http://www.geocourts.ge));
6. The court notification shall be deemed as delivered to Mr. Alon Eshedi – the third person from the 7-th day of its emplacement on the website of the Department of Common Courts of the High Council of Justice of Georgia;
7. No private claim against the decision shall be admitted.

**Natela Jashiashvili, the judge**

Signed. Sealed: Gurjaani district court. Office

Stamped: copy complies with its original. Gurjaani district court. Signature (signed).

25.02.2014.

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