

The right to interest on the total amount recovered until the judgment is enforced

On 13 June, the Senate, in an extended composition, heard Case No. SKC-53/2024 concerning the plaintiff's right to receive interest for the period until enforcement of the judgment, as provided for in Article 195 (1) of the Civil Procedure Law. Namely, it is understood as interest calculated specifically for the period from the expiry of the deadline for voluntary enforcement of the judgment until its enforcement. The judgment of the regional court under appeal held that the claimant was entitled to such interest only on the principal debt recovered. However, the Senate, in line with its previous explanation, held that the said interest should be calculated on the entire amount recovered by the judgment, not only on the principal debt. This is intended to motivate the debtor to comply promptly with the judgment and to avoid adverse consequences for the creditor, and these objectives are independent of whether the principal debt or any other amount of money is recovered.

The Senate further concluded in its judgment that the amount of this interest is to be determined in the same way as statutory default interest under Article 1765(1) of the Civil Code and is six per cent per annum. Finally, the Senate emphasized that the said interest should also apply to the recovery of costs in favor of the claimant, the defendant or a third party in any type of action, irrespective of the subject-matter of the action.



Katrīna Eimane

Associate, Dispute resolution practice group.
Additionally specializes in employment law.

katrina.eimane@ellex.legal