

The Constitutional Court Ruled That the Date of the Lawsuit Should Be Taken as the Basis for the Application of the Monetary Limits for Appeal and Appeal



The Constitutional Court, with its Decision No. 2023/182 E. dated 04.12.2024 and numbered 2023/182 E. ('Decision'), ruled that the rule stating that the amount at the date of the judgement is taken as the basis when applying for the legal remedy of appeal and cassation is unconstitutional.

According to the provision subject to objection,

According to the additional Article 1 added to the Code of Civil Procedure No. 6100 by Article 64 of the Law No. 6763 dated 24.11.2026, at the beginning of each calendar year, the monetary limits of the previous year are increased according to the revaluation rate determined by the Ministry of Finance every year, and in the application of the monetary limits in Articles 341, 362 and 369, the amount on the date of the decision is taken as basis.

The Constitutional Court ruled that the case values exceeding the monetary limit for appeal and cassation remedy while filing a lawsuit due to the relevant provision remained below the monetary limits updated every year due to the long duration of the proceedings and that this situation disrupted the balance between the burden to be borne by the parties due to their inability to apply for legal remedy and the public interest in concluding the proceedings with the least cost and in the shortest time.

For all these reasons, the Constitutional Court has decided to annul the phrases '...341st, 362nd...' in the relevant provision, which envisages the application to the legal remedy of appeal and cassation. The annulment decision will enter into force on 30 October 2025.