

Communication concerning the decision of the Curia of Hungary
in civil case n° Pfv.I.20.196/2016

On the basis of the rules of the Civil Code on the termination of co-ownership, the plaintiffs requested the court to terminate their co-ownership over a condominium consisting of nine apartment units in three separate buildings by way of annexation, based on the housing authority's permit, of three co-owned apartment units located in building C with associated pieces of land to the ownership of the first plaintiff who is the sole owner of the adjacent real estate.

In its order, the Curia quashed the final judgement and found that there are, in principle, no obstacles to applying the rules of the Civil Code on the termination of co-ownership to the termination of a co-ownership over a condominium if the seceding apartment units could form a new, separate condominium or could be attached, within the framework of a plot restructuring procedure, to a real estate solely owned by one of the parties to the proceedings. The above methods are without prejudice to the special unity of condominium property, since the separately owned parts and the co-owned parts of the condominium are not separated from each other. This holds true even if the plot restructuring, in the given case, necessitates the demolition of a separate condominium building co-owned by the plaintiffs.

Budapest, the 13th of December 2016

Civil Department of the Curia of Hungary