

**Polish Supreme Court order
dated 7 May 2009
Case No. IV CZ 41/09**

Summary by arbitraz.laszczuk.pl:

A field office of the Agricultural Property Agency brought a claim for possession of agricultural land against an individual tenant, claiming that the tenancy had ended in 2001, and in 2004 was awarded possession in an ad hoc arbitration. The tenant filed a petition in the regional court to set aside the arbitration award, stating the amount in dispute as PLN 600,000. The regional court found that the amount in dispute was below its jurisdictional threshold of PLN 30,000 and remanded the case to the district court. The district court denied the petition, and an appeal to the regional court was denied. The tenant then filed a cassation appeal to the Polish Supreme Court. There he stated the amount in dispute at a figure that was above the threshold for the Supreme Court to hear a cassation appeal involving property and financial claims, but the court found that the true amount in dispute was below the threshold and dismissed the cassation appeal. On an interlocutory appeal from that order, the Supreme Court held that the amount in dispute was properly determined by the regional court, and the amount was below its own threshold to hear the cassation appeal, and the interlocutory appeal was thus dismissed.

Excerpt from the text of the court's ruling:

Under [former] Civil Procedure Code Art. 715 applicable in this case, whose current counterpart is [former] Art. 1207 §2, a proceeding upon a petition ... to set aside an arbitration award should be governed by provisions concerning an adversarial proceeding at the first instance. Thus the provisions that should be applied include Civil Procedure Code Art. 23, which provides that in cases seeking delivery or return of property for lease or tenancy, the amount in dispute in the case of agreements for a definite period is the rent for the period in dispute, but no more than one year; and for agreements for an indefinite period, the rent for a period of three months.