



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

SECOND SECTION

DECISION

Application no. 11681/05
by Gorica VARGA
against Serbia

The European Court of Human Rights (Second Section), sitting on 10 July 2007 as a Chamber composed of:

Mrs F. TULKENS, *President*,

Mr A.B. BAKA,

Mr I. CABRAL BARRETO,

Mr M. UGREKHELIDZE,

Mr V. ZAGREBELSKY,

Mrs A. MULARONI,

Mr D. POPOVIĆ, *judges*,

and Mrs F. ELENS-PASSOS, *Deputy Section Registrar*,

Having regard to the above application lodged on 21 March 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having deliberated, decides as follows:

THE FACTS

The applicant, Mrs Gorica Varga, is a Serbian national who was born in 1938 and lives in Kula. She was represented before the Court by Mr S. Varga, a law professor from Kula. The Serbian Government (“the Government”) were represented by their Agent, Mr S. Carić.

The facts of the case, as submitted by the parties, may be summarised as follows.

In 2001 the applicant instituted civil proceedings against the heirs of her late husband D.V. seeking acknowledgment of her co-ownership of some of his property.

On 14 March 2002 the Kula Municipal Court accepted the applicant's claim as a whole, awarding her only partial reimbursement of the litigation costs incurred in the proceedings.

The applicant appealed against the first-instance judgment in its part concerning litigation costs. Following several remittals of that part of the judgment, the matter was finally decided by the Sombor District Court on 22 February 2007.

COMPLAINTS

The applicant originally complained under Article 6 § 1 of the Convention about the length of the proceedings. She further complained under Article 13 of the Convention about the lack of an effective remedy in respect of her length complaint and under Article 14 that she has been discriminated against on the basis of her social status.

THE LAW

By a letter of 21 March 2007, the applicant's representative informed the Court that the applicant had instructed him to withdraw the application, and on 26 April 2007, the Government proposed that the present case be struck out of the Court's list of applications.

In view of the above and having regard to Article 37 § 1 (a) of the Convention, the Court considers that the applicant does not intend to pursue the case. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which would require further examination of the application. Accordingly, Article 29 § 3 of the Convention should no longer be applied and the present case should be struck out of the Court's list.

Decides to strike the application out of its list of cases.

F. ELENS-PASSOS
Deputy Registrar

F. TULKENS
President