

Aeroflot Appeal In Case Against Berezovsky Granted by High Court

By [The Moscow Times](#)

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A London court upheld state airline Aeroflot's right to appeal a case involving deceased oligarch Boris Berezovsky.

The High Court of Justice ruled Thursday that Aeroflot should be allowed to appeal a 2012 dismissal of a case it filed in London seeking the recognition and enforcement of fraud judgments the airline had previously won against Berezovsky and its former deputy director general Nikolai Glushkov in Russia, news agency RAPSI reported.

Berezovsky and Glushkov were convicted of having defrauded Aeroflot in the 1990s and initially ordered to pay Aeroflot over 200 million rubles (\$6 million) in damages. The judgment took effect in February 2008, after the Moscow City Court dismissed Berezovsky's appeal.

In 2011, Aeroflot sought an adjustment of the amount awarded, arguing that the original

amount should be increased to two billion rubles (\$60 million). The Golovinsky Court granted the inflation adjustment in full.

Aeroflot initiated the present proceedings in the UK seeking the enforcement of that judgment.

In late 2012, the judge presiding over the case summarily dismissed the claims on the basis of the finality principle, which prevents parties from re-launching disputes except by way of appeal or as a result of fraud.

Shortly after that verdict, a spokesperson for Aeroflot told RAPSI that the airline was considering the option of an appeal.

Thursday's judgment said that summary dismissal cannot be granted unless the court is satisfied that the claim being dismissed would have had no real chance of success.

Lady Justice Arden said that the test for summary dismissal had not been met in the earlier decision.

"The court needed to make findings of fact as to whether as a matter of Russian law the second Savelovsky judgment was final and binding under Russian law. Until that happened the court could not refuse recognition on the ground that the second Golovinsky judgment breached the finality principle," she said.

Berezovsky died in March 2013.

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