



DEBT COLLECTION CLAIM IN ITALY
Litigation in Italy

APPEAL OF A SENTENCE IN ITALY

by

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In order to start a debt collection recovery claim in Italy is necessary to consider the following rules.

As for general rule any judgment issued in first degree may be appealed in front of next higher court, except that:

- for judgment for which appeal is excluded by law, or
- for judgment issued by tribunal on basis of equity, or
- when parties agreed to not appeal the judgment to next higher court (omisso medio) and instead agreed to start soon appeal to Court of Cassation (in this case the claim could be proposed just for violation of law or for misapplication of law).

The claiming party may start appeal in front of Court of Cassation (Corte di Cassazione) against second degree judgment just for items of law.

Furthermore, a second degree judgment may be forwarded by the claimant in front of the court that issued it (revocazione) if there has been:

- a false testimony or a false proof;
- a situation of dolus of one party against the other;
- found new essential documents after judgment that party hasn't exhibited before for the presence of a situation of force major or for act of the other party;
- a dolus of the judge who issued the judgment;
- an error in fact evidenced in the documents;



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- a judgment which is in contrast with another judgment between the parties.

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