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The Compensation as an Effect of the Civil Responsibility of the Estate Registrar (A Comparative Study)

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Abstract: In this research, we explained the compensation, which is one of the effects of the civil responsibility of the estate Registrar, as a result of his failure to perform his obligations and work tasks imposed on him within the Department of Real Estate Registration, as he violated the taking of caution and caution in the recording of real estate actions and taking acknowledgement from customers and other acts that fall on his responsibility, and the lawsuit is filed by the affected client or his public or private successor in specific cases before the Court of First Instance within the place of residence or residence of the Registrar Real estate, and thus the judge rules according to the authority granted to him by law the appropriate compensation for the damage of the client, as often the resort to monetary compensation.

Keywords: Estate Registrar, Civil Responsibility, Plaintiff, Defendant, Indemnity.

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INTRODUCTION

The estate Registrar is one of the persons entrusted with the registration and recording of real estate transactions through the authority granted to him by the State, as it is characterized by placing the official status on all real estate dispositions that he writes, thus gaining the argument on all people, and entails civil responsibility as a result of any fault issued by him the reason for his negligence or deliberate act is related to damage to the client with the existence of causal relationship between them, and the client proves it before the court, as this results in a set of effects Among them is compensation, which is the judicial means of reparation for the damage caused to the customer, and therefore deserves the value of compensation and the estate Registrar is obliged to pay it to him, and based on the above we show the compensation as an effect of the responsibility of the estate Registrar, with a statement of the position of both French law, Egyptian law and Iraqi law on it, through the division of this research into two demands, the first is devoted to the statement of compensation for civil responsibility of the estate Registrar, or the second is allocated to the statement of compensation and its images.

First Requirement: Claim for Compensation for Civil Responsibility of the Estate Registrar

In order to clarify the concept of the claim for compensation for civil responsibility of the estate Registrar, its definition must be indicated through the first section, while the second section mentions the

parties to the claim for compensation for the civil responsibility of the estate Registrar, and the third is dedicated to the statement of the competent authority to consider the claim for compensation for the civil responsibility of the estate Registrar.

Section One: Definition of Claim for Compensation for Civil Responsibility of the Estate Registrar

The claim for compensation for civil responsibility did not receive any definition in general in the civil laws of France, Egypt and Iraq, but this was not the case for jurists, and there were several definitions of it, as it was defined as "the judicial means by which the aggrieved person can obtain from the responsible compensation for the damage suffered by him if there is no agreement" (Marks, 2019), as well as "the right of a person to claim before the judiciary everything he owns or is the duty to perform" (Hamdallah, 2009). Noting from this definition that he considered the suit to be a self-contained right, while it is a competent means of protecting the right and not a right in itself, while others have defined it as "the means granted by law to the right holder to go to court to determine or protect his right" (Al-Wafa, 1997), and accordingly the subject matter of the civil action is determined by the guarantee of compensation claimed by the aggrieved person in reparation for what he has suffered, since the acceptance of this suit requires the existence of an interest in respect of the various interests, and defined as "material benefit or Legitimate moral or economic that relates to the plaintiff if he wins his claim, and is estimated in view of the outcome of

the lawsuit, as this benefit can be the determination of a right or legal status or the response to an attack on a right or compensation for damage to the right (Khattab, 1969), and provided that the interest is personal and direct as well as being a legal and existing interest (Taleb, 2008), and based on this the interest in the civil responsibility claim of the estate Registrar to obtain compensation As a result of the damage caused to the customer by the fault of the registrar, whether the fault is civil or criminal in the registration of real estate transactions, and thus the interest is known and possible.

Referring to the laws in question, some French judges defined it as "a request from a person whose right to recognition is the subject of an order, judgment or stay must be affirmed by the court" (Article Article publié), and similarly the Egyptian judiciary defined it through one of the decisions of the Egyptian Court of Cassation as "the right to resort to the judiciary for legal protection or the alleged legal status" (Arafa, 2009). Iraqi law, on the other hand, took a different position from other previous laws, defining it through article II of the Iraqi Law of Civil Procedure as "the person whose right has been requested by another before the judiciary" (Article (2) of the Iraqi Civil Procedure Law No. (83) of 1969, as amended in force).

Thus, we can define the civil responsibility claim of the estate Registrar as "the means of protection enjoyed by the aggrieved customer, as it was granted to him by law to claim his right to redress the damage suffered by him as a result of the fault of the estate Registrar.

Section Two: Parties to the Civil Responsibility Compensation Claim of the Estate Registrar

Since the claim for compensation for civil responsibility of the estate Registrar is subject to the general provisions of civil responsibility, it is like any civil claim, and therefore the parties to the claim for compensation for civil responsibility of the estate Registrar are as follows:

First: The Plaintiff

Defined as "the person who was inflicted by the harmful act and is the injured in the sense that he is the person who suffered the damage caused the fault of the estate Registrar, whether the damage he suffered directly or rebounded on him from the damage suffered by others(Mark, n.d.), as the normal state of the personality of the plaintiff is the affected customer himself, although some cases may arise in which he is not the plaintiff but his public or private successor (Al-Sanhouri, n.d.), where the matter is taken over by his guardian, guardian or trustee. In the event that he is imprisoned, or his heirs in the event of his death (Al-Sanhouri, n.d.), in addition to that the plaintiff can be a legal person (Mansour, 2001), as if the fault of the estate Registrar led to damage to one of the legal

persons, as well as it can be more than one person in the event that the fault of the estate Registrar led to the damage to more than one person, so that each affected person has the right to claim compensation for the fault of the Registrar (Al-Ameri, 1981).

French law also defines the personality of the plaintiff in a civil responsibility proceeding through article I of the amended French Law of Civil Procedure, which stipulates that "only the parties shall initiate the proceedings, except in cases where the law provides otherwise. They are free to put an end to it before it falls under the influence of a rule or by law" (Saud, 1990).

As for the Egyptian law, it requires the plaintiff to have a personal, direct and existing interest approved by the law, and this is what is stated in article (1/3) of the Egyptian Law of Procedure, which is amended in force, which stipulates that "no claim shall be accepted nor shall any request or payment be accepted based on the provisions of this law or any other law, in which the owner does not have a personal, direct and existing interest approved by law" (Matière (1) du Law de procédure civile français Décret 75-1123 1975-12-05), and similarly also the Iraqi law required the existence of interest as a prerequisite in a lawsuit. Civil responsibility, there is no claim without the existence of a legitimate legal interest, and this is approved by Article (6) of the amended Iraqi Law of Civil Procedure in force (Article (3/1) of the Egyptian Civil Procedure Law No. (13) of 1986 for the effective rate), and also required the existence of eligibility in the plaintiff through what is stipulated in Article III of the above Law (Article (6) of the Iraqi Law of Civil Procedure No. (83) of 1969, as amended in force.).

Based on the above, we can define the plaintiff in the civil responsibility of the estate Registrar as "the person or his public or private successor who has been authorized by the laws to claim compensation in lieu of the original aggrieved person who suffered damage as a result of the fault of the estate Registrar during the performance of his obligations to be performed by the estate Registration Departments, and thus the civil responsibility claim can be submitted to the estate Registrar through the victim personally or his representative, whether his guardian or guardian or heirs in the event of his death."

Second: The Defendant

He is the second party to the responsibility lawsuit, where the lawsuit is brought against the person responsible for the harmful act, regardless of whether he is responsible for his personal act or for the act of others (Article (3) of the Iraqi Law of Civil Procedure.).

Based on the above, the defendant in the suit for compensation for the civil responsibility of the estate Registrar, either the estate Registrar in his personal capacity, or in his functional capacity

alongside the government entity for which he works, and therefore the aggrieved person has the right to file a lawsuit against the Registrar personally or against the State, represented by the State itself in French law or may be represented by the Ministry of Justice which the estate Registrar works for and is under its supervision and guidance.

The defendant can also be a deputy of the estate Registrar or his successor or heirs in the event of his death, relying on the principle of Islamic law (no estate until after the payment of debts) in Islamic countries and it is in all of Egypt and Iraq, where the estate is the responsibility after the death of the estate Registrar, and is represented by any heir in the responsibility lawsuit (Al-Sanhouri, n.d.), either in the event that the estate's funds are not enough to cover compensation, the plaintiff may not refer to the heirs' private funds, in other words. The execution is carried out only within the limits of the estate only, since the responsibility is obligated to remain in existence until the payment of the debts, as we note the strictness of the judiciary with regard to the claim of the heirs of public officials in general, as it takes into account the administration that the claimant of compensation must provide in order to establish the responsibility of the estate Registrar.

Referring to the comparative laws, we find that the French law through the decree of 1955 on the registration of estate has defined the destination of the defendant within article (4/30/a) and they are two categories, the first of which includes public officials in charge of organizing, editing and publicizing real estate actions such as notaries, administrative officials and others, and must carry out their assigned work within the legally limited periods, and they were not responsible for the damage caused to others due to their errors or negligence in not registering.

Either the second category is entitled to the estate as heirs and their recommenders, who are legally committed to the need to request the preparation of accusations of their registrar, to limit moral rights or inheritance rights, and request to be famous within the dates specified for that law, and despite the existence of this provision in the previous decree, but it did not limit the filing of a responsibility lawsuit to the persons of the previous two categories only, but listed them as the most related to the real estate registration, and therefore the lawsuit is filed against anyone who causes damage according to the rules In the French Civil Law (Matière (1240) Loi Extrait du Law civil français, tel que modifié), Egyptian law and Iraqi law are subject in determining the Law to the provisions of the Civil Law, which state that anyone who has suffered damage must be compensated.

Based on the above, the defendant in the civil responsibility lawsuit of the estate Registrar is the estate

Registrar personally being the one who caused the fault of the customer.

Section Three: The Competent Judicial Authority for the Claim of Compensation for the Civil Responsibility of the Estate Registrar

The competent judicial authority for the civil responsibility claims of the estate Registrar is the court that has the authority to decide on the case before it, and therefore the aggrieved person must file the case before the competent court locally and qualitatively, and to indicate the competent court for the claim of responsibility, and therefore indicate the local jurisdiction and qualitative jurisdiction of the civil responsibility court of the estate Registrar. Through the following:

First: Spatial Jurisdiction (Local or Regional)

The local jurisdiction of the court, which is the court before which the case is filed, means the same spatial jurisdiction as the case, as the question arises here about the court in which the civil responsibility claim is filed against the estate Registrar, is it the court competent for the place of residence of the plaintiff (the aggrieved customer) or the court competent for the place of occurrence of the error (the estate Registration Department in which the registrar's error occurred) signed by the estate Registrar, or the court competent for the place of residence of the defendant (the residence of the estate Registrar)?

The answer to this question shows that the civil responsibility claim of the estate Registrar is like any lawsuit and therefore it is subject to the general rules followed in each State, and by reference to the general rules in comparative laws, we find that French law has defined the court competent to hear the civil responsibility claim of the estate Registrar as the competent court in the affairs of the place where the defendant lives, and this is what Article (42) of the French Law of Civil Procedure stipulates territorial jurisdiction unless It provides otherwise, which is the place where the defendant lives, either in the case of multiple defendants, the defendant shall rule according to his choice on the jurisdiction of the place where one of them lives, or if the defendant does not have a known domicile or place of residence for the plaintiff to submit an application to the jurisdiction of the place where he lives or who he chooses if he lives abroad (Matière 42 du Law de procédure civile français Décret) and by reference to Egyptian law, he also specified the competent local court in the case through Article (42-72) of the The Egyptian Law of Civil and Commercial Procedure, Article (49) stipulates that "the jurisdiction of the court in whose district the domicile of the defendant is located, unless the law provides otherwise, if the plaintiff does not have a domicile in the Republic, the jurisdiction shall be vested in the court in whose district his place of residence is located, i.e. his place of residence"(Article (49) of the Egyptian Law of Civil and Commercial Procedure) In the same way, Iraqi law

applied to what French and Egyptian law has adopted that a claim of responsibility shall be brought to the Registrar according to the spatial jurisdiction of the defendant, i.e. the place of the Registrar. This is included in Article (37/1) of the Iraqi Law of Civil Procedure, which stipulates that "the claim of debt or movable shall be instituted in the court of the defendant's domicile, the center of his transactions, the place where the obligation arose, the place of execution or the place chosen by the parties to institute the suit"(Article (37/1) of the Iraqi Law of Civil Procedure, as amended in force.).

In reference to the above, the lawsuit notes that there is a similar consensus among the comparative laws that the lawsuit is filed in court that is located within the domicile of the estate Registrar or his place of residence or place of residence in the event that he does not have a domicile, while in the case of the Registrar having no place of residence, the laws enabled the prosecution to be filed in the court of the capital of the State. Thus, we support the opinion of the aforementioned laws considering that giving local jurisdiction to the court in which the domicile of the registrar, residence or residence is located is in the interest of the aggrieved person so that he can obtain his right to compensation faster, in addition to the speed with which the aggrieved customer can obtain the domicile of the registrar, residence or residence thereof by referring to the Department of Real Estate Registration in which he works to provide him with the place of residence and the necessary data.

Second: Qualitative Competence

It is the mandate of the court to consider a specific type of lawsuit and dispute, hence the question arises as to which the court is competent to hear the claim of civil responsibility of the estate Registrar, is it the civil court or the criminal court or both?

Since all claims for compensation, including compensation for the fault of the estate Registrar (Al-Nadawi, 2011), are originally brought before the Court of First Instance (26), and this represents almost all cases by filing the case with the Grand Court of First Instance (Sobh, 2020), and returning to the jurisdiction of the Court of First Instance, we find that it does not prevent the prosecution from being filed before the criminal courts but not in all cases, as this exception is limited only to the case where the error in civil responsibility is considered an offence under the Penal Law, and this The situation is as in the case of the Registrar falsifying the real estate deed in his possession and obtained due to his assumption and exercise of the job, where the victim of this mistake made by the Registrar can claim compensation before the criminal courts, in order to reduce the burden on the civil courts, and he must sue the civil action before the criminal courts in order to follow the criminal suit when the reason for the two claims is unified, and on the basis

of the foregoing, the claim of the aggrieved client for compensation before the criminal courts is valid and considering that A single judgment adjudicating compensation and crime (Al-Jubouri, 2010), and therefore the aggrieved customer has the option to file a lawsuit to claim compensation before the criminal courts, to establish himself as a plaintiff of civil rights before the criminal courts in any case in which the criminal case is pending, and until a decision is issued to close the door of the pleading, which is the case in the crime of forgery, but this option remains for the injured only in the event that the public action is not time-barred, otherwise he will only have to resort to the civil courts (Zeidan, 2017).

Whereas French law has defined the Court as the French Court of First Instance as having a comprehensive jurisdiction over claims for compensation, unless there is a special provision that changes its jurisdiction, and this is the case in Article 33 of the French Law of Civil Procedure, which states that "the jurisdiction of the courts in relation to the subject matter shall be determined by the rules on the organization of courts and specific provisions" (Matière 33 du Law de procédure civile français Décret), In addition, French law has also authorized the addition of civil proceedings to criminal proceedings in the event of a correlation between the original claims or in the absence of a correlation between the original claimants, except for what the judge severs, as it leads to excessive delay in the judgment, as stipulated in article 70 of the French Law of Civil Procedure (Matière 70 du Law de procédure civile français Décret) and Egyptian law, which specified the competent court to hear the claim for compensation for civil responsibility through the text of article 42 of the Law of Civil and Commercial Procedure. Al-Masri (Article (42) of the Egyptian Law of Civil and Commercial Procedure) Through this article, we find that it gave a comprehensive jurisdiction to the Court of First Instance in addition to that it enabled the filing of the case before the criminal courts, as for Iraqi law, it took a position similar to what was adopted by comparative laws and gave the civil courts the power of general jurisdiction to hear civil disputes regardless of the description of the parties, and this is through Article (29) of the Iraqi Law of Civil Procedure, which stipulates that "The jurisdiction of civil courts applies to all natural and legal persons, including The government shall be competent to adjudicate all disputes except those excluded by a special provision" (Article (29) of the Law of Civil Procedure for an Iraqi), and with reference also to the jurisdiction of the Court of First Instance mentioned in article (31) of the Iraqi Civil Procedure Law, we find that the civil responsibility claim is within its jurisdiction (Al-Hakim, 1969).

However, in turn, we support the initiation of the case before the court with the original jurisdiction, namely the civil courts, taking into account the criminal

judgment and its importance in the civil lawsuit, for the purpose of the healthy exercise of the jurisdiction of the courts, in addition to this so as not to increase the weight on the criminal courts.

Second Requirement: Compensation and its Photos

To indicate the concept of compensation, we show the definition of compensation and how it is estimated through the first section, while the second section is devoted to the statement of the forms of compensation and the position of the laws in question.

Section I: Definition and Assessment of Compensation

Compensation is defined as "the means used by the judiciary to make reparation within the scope of civil responsibility, regardless of whether it is contractual or tort, erased or mitigated, since it revolves with the damage in existence and non-existence, provided that the gravity of the fault has no effect on it, as it should be equal to the damage without exceeding or decreasing it", and therefore it may not exceed the amount of damage so as not to be a punishment or a source of gain for the victim, which in this case is different from the penalty which aims at deterrence and discipline .

It is also defined as "the amount of money that is satisfied with the sex of damage equivalent to the loss and loss of gain suffered by the injured person as a natural consequence of the harmful act" (Al-Ameri, n.d.), and on the basis of this we can define compensation for the civil responsibility of the estate Registrar as "the obligation of the estate Registrar or the State, as the case may be, to make reparation or mitigate the damage suffered by the aggrieved person as a result of the estate Registrar's fault by compensating for such damage".

Either the assessment of compensation must be equal to the value of the damage, whether foreseeable or unforeseen, as its amount is sufficient to compensate for the damage and restore the condition of the victim to before the mistake occurred by the estate Registrar, as it may not be less than the value of the damage nor exceed it (Mark, n.d.), taking into account the circumstances and in the light of each individual case, in a way that guarantees the victim the loss and loss of gain, provided that the damage includes the damage The direct is expected or unexpected due to the fault of the estate Registrar, (Zeidan, n.d.) and also the compensation includes the missed opportunity and material and moral damage, while the intended equality between damage and compensation is not full equality but approximate equality, since full equality in scientific reality is remote and remains a difficult prospect, especially the correction of damage varies from harm to damage. Samie (2007) A closer look at the comparative laws shows that French law has adopted this principle, that is, the amount of compensation is determined by the

loss suffered by the victim from which he was deprived, and this is what article (1231/2) of the amended French Civil Law stipulates, where the article states that "the compensation to which the creditor is entitled, in general, is the loss that it enlarges and the profit that is deprived of it, except for the exceptions and amendments mentioned later" (Matière 1231-2 Extrait du Law civil français, tel que modifié). Similarly, the Egyptian law has also adopted this principle of estimating compensation, through the text of article (221/1) of the Egyptian Civil Law (Article (221/1) of the Egyptian Civil Law, as amended in force), and also followed the same direction as the Iraqi law through what is stated in article (207/2) of the Iraqi Civil Law (42), either at the time of estimating the compensation, as the jurisprudence and the elimination of the assessment of compensation at the time of the issuance of the judgment, whether intensified or lightened, prices changed or were fixed, the lesson is therefore the price on the day of the issuance of the judgment (Al-Sanhouri, n.d.)

However, this principle is not general but has exceptions, the first of which is the case of the fact that the injured person deliberately delayed the issuance of the judgement in order to obtain a higher amount, in which case the court must assess the compensation at the time when it would have been issued normally if the injured person had not procrastinated, or the second is in the case of the injured person repairing the damage to his money, in which case the compensation is estimated as much as it actually paid, regardless of the change in price on the day of the judgment, because the intention is Here it is not a reparation for a damage, but compensation for the victim for his efforts in repairing the damage.(Al-Ameri, n.d.)

Section II: Methods of Compensation and the Position of Comparative Laws

Since the laws have specified the ways in which the aggrieved can be compensated for the damage he suffered from the wrongful act of others, and they are either compensation in kind or compensation in return, so the question arises here about the appropriate way to compensate the customer affected by the fault of the estate Registrar, and to indicate this it is necessary to identify both methods, and know which of them can be taken with the statement of the position of the laws in question, and so we will devote first to the statement of compensation in kind, and secondly to compensation On the other hand, and third to indicate the position of comparative laws.

First: In-kind compensation

In-kind compensation means "the restoration of the situation to what it was before the fault that led to the damage occurred" (45), in other words if the estate Registrar in this case returns the situation to what it was before the fault was issued by him, and he must achieve for the victim satisfaction of the sex of the damage he

has suffered in a direct way, in the sense of not judging him a sum of money. (Marks, 1971)

Referring to French law, we find that at first the French judiciary did not give the judge the power to award compensation in kind, although some jurisprudence questioned the traditional judicial rule that compensation should be an amount of money, as the courts of cassation rejected this order at all (Hant, Al-Hasnawi, 2004).

It stressed that French law is devoid of a provision that allows the official who caused the damage to be sentenced to perform an act, which does not impose the contract on him and does not want to do it, but the courts have moved in a different direction from the previous after the Second World War, where they ruled to award compensation in kind and to stay away from monetary compensation, because of the imposition of a forced price for most goods, which made the monetary compensation calculated on the basis of it, as we often find this method of compensation in contractual obligations, and can The introduction of tort as an exception, as it is possible only when the fault made by the estate Registrar takes the form of carrying out an act that can be removed (Al-Tabakh, 2014), and the absence of a law permitting the introduction of compensation in kind, but there is a contrary tendency to the judiciary, as it has often ruled to take in-kind compensation (Dallowes, 2010), and despite the privilege of compensation in kind is of great importance, as It is required that compensation in kind be awarded, if possible and consider the nature of the obligation, its extent and the material means necessary for such performance (Sultan, n.d.), as well as also the compensation in kind must not cause fatigue to the debtor and that the creditor requests its rhythm, or that the debtor submits it, and therefore the creditor may, when the compensation in kind is possible, modify it and claim compensation in return, in addition to that the debtor may not refrain from performing the same thing to which it has committed itself (Al-Fadl, 2006).

This method of compensation is of great importance not only by reparation but also by restoring the situation to what it was before, although it is difficult to imagine it in many cases where the civil responsibility of the estate Registrar is realized, as if he had changed or erred in writing down the name of the owner of the property or the name of the person to whom the property is mortgaged, in which case the registrar cannot return the situation to what it was before his fault, since the bonds Real estate in particular in relation to the final bonds is an argument against others, as it cannot be manipulated and changed to base on a judicial decision or administrative order that is worth the judicial judgment and this is what the comparative laws have taken as described earlier.

Second: Compensation in Return

This method of compensation for the inability to resort to compensation in kind is resorted to because it is completely impossible, since the judge cannot award compensation in kind because it is not possible to restore the situation to what it was, or the victim did not request it, and then there is no way for the judge to resort to compensation in return for (Abdeen, 1999), and this compensation takes two forms, it may be a monetary compensation estimated at an amount of money, or this compensation may be non-monetary It shall be ruled by the court according to the circumstances of the case.

We can define monetary compensation as (an amount of money paid by the estate Registrar to the aggrieved customer as an allowance for the damage caused to him by his mistake in the performance of his obligations under the job), and is the most appropriate way to repair the damage, because the damage suffered by the customer as a result of the fault of the estate Registrar can be rectified with money, so the court should require monetary compensation as the asset by tort because money in addition to being a means of exchange is the best means To rectify damage, including moral damage (Sorour, 1985), either non-monetary compensation is "a situation in which compensation is not estimated in the amount of money, but is in a manner that is sufficiently satisfactory to the victim of the sex of the damage suffered, in the sense that if the court orders the performance of a certain order as compensation in the form of another appropriate measure to remove the damage other than the judgment of money" (Al-Sharqawi, 1975), since non-monetary compensation is a middle ground between monetary compensation and compensation in kind, it is not compensation In kind because it is not the case except what it was before the damage occurred, but it restores the same and is not by monetary compensation because it is not estimated by money and thus may be the most appropriate of what circumstances sometimes require (Al-Jubouri, 2010), as this type of compensation is optimal because it is not affected by economic and living conditions (Cass siv 16 Avril 1935 - Gaz. Pal 1935- 1- 793).

Third: The Position of Comparative Laws

The French courts have recognized in some of their rulings the introduction of monetary compensation in tort, since the estate Registrar in France is obliged to pay the compensation imposed on him as a result of his personal line, and this is supported by the decision of the French Court of Cassation in one of its decisions to hold the registrar responsible for his mistakes on a legal issue, as the court recognized him as monetary compensation for his mistake (Décembre 2020. Cour de cassatio, Pourvoi n° 19-13.697) and also another decision of the French Court of Cassation to hold the estate Registrar responsible for his mistake of not informing the customer of all information, as the Registrar is obliged to instruct the parties and to direct

their attention towards the full circumstances and give full information about the real form and to indicate all the risks that result from the client's behavior, and thus the French Court of Cassation recognized the responsibility of the estate Registrar based on Article (1240) of the amended French Civil Law, and ruled that the estate Registrar should be charged with paying monetary compensation to the client (Article (209/2) of the Iraqi Civil Law).

Either the Egyptian law has tended to recognize compensation in kind and material compensation, meaning that the compensation can be to restore the situation to what it was before the damage occurred or to be material compensation, but it allowed the introduction of compensation in kind in certain cases, namely the existence of circumstances that allow the court to impose compensation in kind, as well as at the request of the victim himself, and also the registrar can do this work and this is indicated in article (171/2) of the Egyptian Civil Law. If it provides that "compensation shall be assessed in cash, provided that, depending on the circumstances and at the request of the injured person, the court may order the restoration of the status quo ante, or order the performance of a particular order relating to the wrongful act, as compensation".⁵⁹

Similarly, Iraqi law has also taken the same as Egyptian law through the provision of article 209/2 by the Iraqi Civil Law, which stipulates that "compensation shall be assessed in cash on the understanding that the court may, depending on the circumstances and at the request of the aggrieved, order the restoration of the status quo ante or order the commission of a certain order or the restoration of the parable in lesbians as compensation".

Compensation is the right granted by law to the customer affected by the fault of the estate Registrar during the exercise of his job to claim it by filing a lawsuit with the Imam of the Court of First Instance or the Criminal Court, where the mistake issued by the Registrar is considered a crime in itself, as the competent court is within the place of residence or residence of the estate Registrar in the absence of a place of residence and residence for the estate Registrar, the competent court is the Capital Court in The state, as can also claim the public or private successor of a plaintiff the right to compensation in the cases approved by comparative laws, in addition to that the lawsuit can be filed against the heirs of the estate Registrar in the event of his death, after which the judge shall issue according to the authority granted to him by law the appropriate compensation for the affected customer, and despite the variety of forms of compensation from him compensation in kind and from it monetary compensation, but the majority of laws govern monetary compensation as it is the best means of

compensation for civil responsibility For the estate Registrar.

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10. Dr. Abdul Razzaq Al-Sanhouri, The Mediator in the Commentary on Civil Law, The Theory of Obligation in General, Part 1, Sources of Obligation, House of Arab Heritage Revival, Beirut, without mentioning the year of printing, p. 940.
11. Dr. Abdul Razzaq Al-Sanhouri, Mediator in the Commentary on Civil Law, The Theory of Obligation in General, vol. 1, op. cit., p. 918.
12. Dr. Amjad Mansour, The General Theory of Obligations, Sources of Commitment, vol. 1, Scientific House and Dar Al-Thaqafa, Amman, 2001, p. 347.
13. Dr. Saadoun Al-Ameri, Compensation for Damage in Tort, Publications of the Legal Research Center, Iraqi Ministry of Justice, Baghdad, 1981, p. 123.
14. Dr. Ramadan Abu Saud, Sources of Compliance in Egyptian and Lebanese Law, vol. 1, University House, 1990, p. 382.

15. Matière (1) du Law de procédure civile français Décret 75-1123 1975-12-05 JORF 9 décembre 1975 rectificatif JORF 27 janvier 1975 "Seules les parties introduisent l'instance, hors les cas "où la loi en dispose autrement. Elles ont la mettre fin avant qu'elle ne s'éteigne par l'effet du jugement ou en vertu de la loi ".
16. Article (3/1) of the Egyptian Civil Procedure Law No. (13) of 1986 for the effective rate.
17. Article (6) of the Iraqi Law of Civil Procedure No. (83) of 1969, as amended in force.
18. Article (3) of the Iraqi Law of Civil Procedure.
19. Dr. Anwar Sultan, *The General Theory of Commitment, Sources of Commitment*, Arab Renaissance House, Beirut, 1983, p. 515. And Dez Abd al-Razzaq al-Sanhouri, *Mediator in the Commentary on Civil Law*, vol. 1, op. cit., p. 619.
20. Ibid.
21. Matière (1240) Loi Extrait du Law civil français, tel que modifié " Tout fait quelconque de l'homme, qui cause à autrui un dommage, oblige celui par la faute duquel il est arrivé à le réparer"
22. Article (163) of the Egyptian Civil Law No. (141) 1951 as amended in force; Article (204) of the Iraqi Civil Law No. (51) of 1958.
23. Matière 42 du Law de procédure civile français Décret 81-500 1981-05-12 art. 7 JORF 14 mai 1981 "rectificatif JORF 21 mai 1981 " La juridiction territorialement compétente est, sauf disposition contraire, celle du lieu où demeure le défendeur. S'il y a plusieurs défendeurs, le demandeur saisit, à son choix, la juridiction du lieu où demeure l'un d'eux. Si le défendeur n'a ni domicile ni résidence connus, le demandeur peut saisir la juridiction du lieu où il demeure ou celle de son choix s'il demeure à l'étranger ".
24. Article (49) of the Egyptian Law of Civil and Commercial Procedure.
25. Article (37/1) of the Iraqi Law of Civil Procedure, as amended in force.
26. Dr. Adam Waheeb Al-Nadawi, *Civil Pleadings*, Al-Atak Bookmaking, 1st Edition, Cairo, 2011, p. 288.
27. Dr. Alaa Ahmed Sobh, *Civil responsibility of the Notary (Comparative Study)*, vol. 1, Arab Center for Publishing and Distribution, Cairo, 2020, p. 501.
28. Saad Saleh Al-Jubouri, *The Criminal Responsibility of a Journalist for Publishing*, Modern Book Foundation, Beirut, 2010, p. 33.
29. Ibrahim Sami Zeidan, *The Civil responsibility of the Notary between Theory and Practice (Comparative Study)*, New University House, Alexandria, 2017, p. 410.
30. Matière 33 du Law de procédure civile français Décret 75-1123 1975-12-05 JORF 9 décembre 1975 rectificatif JORF 27 janvier 1976 " La compétence des juridictions en raison de la matière est déterminée par les règles relatives à l'organisation judiciaire et par des dispositions particulières ".
31. Matière 70 du Law de procédure civile français Décret 75-1123 1975-12-05 JORF 9 décembre 1975 rectificatif JORF 27 janvier 1976 " Les demandes reconventionnelles ou additionnelles ne sont recevables que si elles se rattachent aux prétentions originaires par un lien suffisant Toutefois, la demande en compensation est recevable même en l'absence d'un tel lien sauf au juge à ladisjoindre si elle risque de retarder à l'excès le jugement sur le tout ".
32. Article (42) of the Egyptian Law of Civil and Commercial Procedure.
33. Article (29) of the Law of Civil Procedure for an Iraqi
34. Article (31) of the Iraqi Law of Civil Procedure.
35. Dr. Abdul Majeed Al-Hakim, *Summary in the Commentary on the Iraqi Civil Law, Part 1, Sources of Commitment National Printing and Publishing Company, Baghdad, 1969, p. 550.*
36. Dr. Saadoun Al-Ameri, *Compensation for Damage in Tort*, op. cit., p. 377.
37. Dr. Suleiman Mark, *Al-Wafi in the Commentary on Civil Law*, vol. 3, op. cit., p. 323.
38. Dr. Ibrahim Sami Zeidan, *The Civil responsibility of the Notary between Theory and Practice (Comparative Study)*, op. cit., p. 423.
39. Osama Abdel Samie, *Compensation for Moral Damage*, Dar Al-Jadeed University, Alexandria, 2007, p. 312.
40. Matière 1231-2 Extrait du Law civil français, tel que modifié " Les dommages et intérêts dus au créancier sont, en général, de la perte qu'il a faite et du gain dont il a été privé ,sauf les exceptions et modifications ci-après."
41. Article (221/1) of the Egyptian Civil Law, as amended in force.
42. Article (207/2) of the amended Iraqi Civil Law in force.
43. Dr. Abdul Razzaq Al-Sanhouri, *Mediator in the Commentary on Civil Law*, vol. 1, op. cit., p. 975.
44. Dr. Saadoun Al-Ameri, *Indemnity in Tort*, op. cit., pp. 206-207.
45. Abdul Majeed al-Hakim, *Summary in the Commentary on the Iraqi Civil Law*, op. cit., p. 553.
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54. . Jamil al-Sharqawi, *The General Theory of Commitment, Sources of Commitment*, Arab Renaissance House, Cairo, 1975, p. 50
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59. Article 117/2 of the Egyptian Civil Law.Article (209/2) of the Iraqi Civil Law.