The Damage of Delay in the Payment

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Abstract

Damages of delayed payment, compensation in violation of the timely payment of dues money, the obligor placed. Get the legitimacy of the institutions and laws of such damages, one of the most controversial legal issues after of the revolution. Although the difference in delay compensation payments to offset the devaluation necessary to design issues related to compensation, this paper is not, however, considering the similarities between the two talk and also extends the provisions of the two, in some writings, Overview showing the difference between the two seems to be the fate of separation

Keywords: Payment; violation; compensation; legitimacy.

1. Introduction

The purpose of damage of delay in payment is the damages that result in self abstention of debtor of the accomplishment of a promise of money himself to creditor in the appointed time. Claims for damages by the courts to delay payments setting up. Thread is not true in terms of the conditions or foundations shall prove that contrary to common claims, damages, claims, demands cash, such claims are assigned to delay payment or payment of price in and the type of the claims, the return price specific claims, claims the subject of the commercial documentation Below are two separate words, or claim they are going to analyze the rules and conditions.

2. Discussion

Financial claims with cash (cash claims principal claims lawsuit demanding the delayed payment of the claim for damages arising primarily designed to delay payment in cash obligations in article 220 of the civil code [1].

Two good appeared to delay payment of the compensation that will be paid your comment was left many Guardian Council unduly detrimental to the interests of the promise and committed abuses committed debt and economic insecurity heavy toll on the commitment is approved by the regulatory board. expert commission of the judiciary research relation multiple ideas Guardian Council It seems that these regulations the regulations 515 and 522 of the civil procedure law of the Guardian Council are respected according to other current theories, furthermore Guardian Council has no legitimacy to calculate damages the quality of the delayed payment of compensation lawmakers delayed payments in the former act and article 12 of the constitution, ratified in 1970 and subsequent amendments issued various damages because of recent delays in the value of the difference between real and services is required at the time of purchase that the compensation of the estimate wants to be according to the Bank for its inflation rate of goods thus be placed on the order of addition The amount that can be paid usury provisions of article 522 of the extensive damage caused by the passage of a law issues delayed payment of Clause 2 of article financial claims at issue in the court's 515 citations that are common in agricultural applications, there are drawbacks in terms of the following article 522 of the Civil
Procedure Act and the realization of the damage as and then bug fixes ambiguities available on the Article 522 of the code is poetry "in the subject of religion and the claims and demands of all common creditor and financial ability debtor, debtor refuses to pay or the modified gross annual price index calculated by the central bank of the Islamic Republic of Iran is determined, and the decision will have to compromise unless the parties otherwise with the contemplated the case and of the case of damage achieving brig text support under clause 2 of article 515 legislator above mentioned is the necessary condition is that you must be ascertained by the court [2].

A) Claim Creditor

B) The annual index changes

C) Decline in debt

D) The financial ability owe

The condition A (charge Creditor) in the former raised two assumptions in article 729, if you are seeking a declaration demanding the delayed payment of compensation otherwise have been communicated on the date of declaration of foreclosure will be included in the former law, if there was a forecast calling for new legislation may be required to prove the claim for any unforeseen condition has held the absolute therefore requested morality a phone declarations a etc [3]. Or Seeking ways to claim is a question of great importance as it is used today in building contracts and contract parties and expects his side is the implementation of the commitment of explicitly the to claim it terms of the contract not warrant for violation not charging in the sales contract, the seller delivers vendor and to pay a price, and the account number of the customer does not want to be involved in the trust's account control his or it does not take a substantial period of time, then the delay bound (customer) is the price paid for being openly question now is whether the asked is, whether not entitled Damage delay. The appearance settling the of the authors of yes impediment comments have so if the condition is attributable to the debt that is owed by credit or on demand otherwise if the contract is personally committed to their faith in certain creditor in this case would not need to ask creditor in be reached [4]. This interpretation of the law though justice is to justice or at least close the deal For example in the example above, if we consider the non-contractual damages awarded vendor Indeed the purpose of obtaining sales that are contracts gratuitous and generally deprived of but we have to look and it is inconsistent with the provisions of clause 2 of article 515 of the Civil Procedure Act [5]. the payment of delay damages only legal claim on the material is considered and attitude of the law in the provision of comments knowingly It is unlikely that Guardian Council Spirit of materials can deduce the answer to reinforce the writer's experience as director of the legislation since the Civil Procedure Law of the debt fell to two modes of earlier forecast for the date of the could be called upon declaration of Otherwise the date of declaration lawsuits, damages, delay damages will be paid until the maturity date of the return or foreclosure that may be required on the account will be considered the date of maturity cannot be carries on legislator be to claim The allocation of this condition on demand debts [6]. So the law is unlikely to be required to meet the demands of the specific binding but does not require either regular formal and verifiable reason for being on may be the question that the parties agree that the contract claim sought to be merely "the official statement on the assumption that if a claim is made by any delay in settling the claim for damages is committed to the claim to reject, some professors comments have Such rights sacrificed official charged with article 515 of Civil Procedure Code does not seem plausible that the provisions of Article 522of the Civil Procedure Act claim that the rules it is not acceptable the extradition provisions are enforced [7].

3. The annual index changes

Under the provisions of former Rule 715 a. D. Prove the damage caused by the delay in payment is cash only delay the necessary entitlements is creditor Indeed damages claim for damages in the specific sense of the damage to The legislature is considering the condition of changes in the price index for delay
damages, the compensation paid to the specific meaning of the actual decline in purchasing power and the value of creating money a legislator [8]. Legislators are 79 years down the vision loss is an economic value that should remain irreparable so it can claim damages, including damages as is important that the question of functionally if you receive an annual compensation of less than one year, whether the subject is outside the scope of the provisions of article 522 and the practice of the courts in this regard the subject is not included in the annual compensation paid in the form of The price upheaval [9]. For less than a year as a year to fulfill other legal requirements are fulfilled and basically pay delay damages’ and Philosophy legislation is incompatible with the philosophy that the damage is less than one year sentence for laws and customs of the country's financial management Usually to proclaim the year of the central bank's monthly price index will change.

4. Conclusion

So you can see the change in the central bank's annual index of life, that is, usually prices of goods and services, or otherwise reduce the value of bills, late payment of compensation has been introduced in case compensate for the devaluation of paper money to pay the debt not as compensation for damages caused by the delay and should not delay the payment of tribute was introduced.

References

[1]. Zaraat Abbas, civil procedure in Contemprarory Dicipline Published by majd, zoob, pp760.


