

Judgment 01754 / 2013

ITALIAN REPUBLIC

THE SUPREME COURT OF CASSATION

SECOND CIVIL SECTION

has delivered the following

JUDGMENT

on the action brought by

CUTRERA Achille - applicant -

against

IMPRESA DI COSTRUZIONI ENRICO ROMAGNOLI s.p.a.

[omissis]

The appeal is not founded and shall be dismissed.

The Court of Appeal has in fact followed the principle, laid down by this Court, according to which "for the purposes of determining lawyers' fees, on the basis of the tariff approved by Ministerial Decree no. 392 of 24 November 1990, a dispute brought before an administrative court for the annulment of a deed is to be considered of indeterminable value, if the *causa petendi* of the application is the unlawfulness of the deed and the *petitum* is its elimination, without any financial implications of the case being relevant". (see Court of Cassation, judgment no. 12178 of 2003).