

SUPREME COURT OF THE NETHERLANDS

CIVIL DIVISION

Number 18/00648
Date 28 June 2019

RULING

In the matter of

1. Mr. Catharina Maria HARMSEN,
practising in Amsterdam,
2. Mr. Antonie VAN HEES,
practising in Amsterdam,
Both in their capacities of trustees in the bankruptcy of N.V. De
Indonesische Overzeese Bank (The Indonesia Overseas Bank),
APPELLANTS in the cassation proceedings,
Hereinafter jointly referred to as: the Trustees,
counsel: W.H. van Hemel,

versus

BANK INDONESIA,
in Jakarta, Indonesia,
RESPONDENT in the cassation proceedings,
hereinafter referred to as: BI,
counsels: J.P. Heering and G.R. den Dekker.

1. Course of the Proceedings

For the course of the proceedings on the facts, the Supreme Court refers to:

- a. the judgments of the District Court in Amsterdam of 12 May 2010, 24 August 2011, 27 August 2014 in case 449889/HA ZA 10-380;
- b. the judgment of the Court of Appeal in Amsterdam of 14 November 2017 in case 200.169.606/01.

The Trustees have brought an appeal in cassation against the judgment of the Court of Appeal. BI has submitted a notice of defence moving for rejection of the appeal in cassation. The parties had their cases argued by their legal representatives; the Trustees also by G.A.J. Boekraad.

In his opinion, Advocate-General P. Vlas moved to reject the appeal in cassation. The parties' counsels submitted written responses to the opinion.

2. Assessment of the ground for appeal in cassation

The complaints put forward in the grounds for appeal in cassation cannot result in overturning the judgment. In view of Section 81(1) of the Dutch Judiciary (Organisation) Act this conclusion need not be substantiated, since the complaints do not require answers to questions of law in the interest of the legal unity or the development of law.

3. Decision

The Supreme Court:

- rejects the appeal;
- orders the Trustees to pay the costs of the cassation proceedings, set until the date of this ruling on the part of BI at EUR 6,662.34 in disbursements and EUR 2,200.00 in legal fees.

This ruling was handed down by Vice-President E.J. Numann, president of the Court, and Justices A.H.T. Heisterkamp, G. Snijders, M.V. Polak, and M.J. Kroeze, and pronounced in open court by Justice M.V. Polak on 28 June 2019.

Signature to the Ruling

ECLI:NL:HR:2019:1041

Signatures

Versteeg, E.E.J.

[signature]

Polak, M.V.

[signature]