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The New Approaches in Determination of the Beginning of Prescription Period for the Action of Injurious Act

*Ahmed I. Al-Hyari**

ABSTRACT

Section 272 of the Jordanian civil code states: "A case for damages resulting from the injurious act shall not be heard after the laps of three years from the day on which the injured person knew the occurrence of the damage and the person liable for it". But, in body injured cases, the court of cassation decides that the date of final medical report should signify the beginning of this period.

This researcher tries to evaluate this new judicial interpretation by an analytical comparative study. Basing on this study the researcher found that this judicial precedent confuses the right of reparation with the estimation of reparation and violates the literal interpretation of section 272 of the civil code. And it might result in illogical consequences.

Keywords: Prescription, Action, Injurious Act , Body Injured, Judicial Interpretation, Jordanian Civil Code, French Civil Code, Final Medical Report, Reparation

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