

The Diploma thesis deals with specific reasons for discontinuance of an ongoing execution. The aim of this work is to describe general reasons for discontinuance of execution and, above all, to map specific, but not isolated, cases of discontinuance of execution, thus demonstrating a shift in a defence of the liable party and an attempt to eliminate the flagrant injustice

The thesis is divided into nine chapters. The first chapter defines basic terms related to the topic of this diploma thesis. The second chapter deals with the discontinuance of the enforcement of a judgment, and the conditions that are necessary for the judgement. The chapter called *Discontinuance of execution* is divided into several subchapters, where the introductory subchapter deals with the content of the application of the discontinuance of execution, especially the procedural procedure regarding the application. There are individual general reasons for discontinuance of execution pursuant to section 268 of the Code of civil procedure described in the other subchapters. The fourth chapter briefly covers the closely related institute of protection of the obliged person, namely the deferral of execution. In the fifth chapter, the first subchapter is devoted to the institute of arbitration procedure, whose importance is essential for the subsequent content of the chapters. The second subchapter describes the case-law shift regarding individual types of arbitration clauses, whereupon the following subchapter addresses the impact of invalid arbitration clauses on the execution proceedings. The sixth chapter contains cases where executions are discontinued because of the conflict with good manners. This includes both cases where an arbitration contract is negotiated in contravention of good manners due to “other circumstances” and cases where the awarded performance is found to be contrary to good manners. The following chapter discusses cases where the case-law of the Supreme Court of the Czech Republic has determined the need to discontinue a completed execution. The last two chapters cover other specific reasons for discontinuance of execution, the penultimate chapter describes cases of vexatious execution proposals. The last chapter describes cases of limitation of claims that lead to discontinuance of execution.

The first part of the work is based on current legislation and relevant commentary literature. In the part covering the specific reasons for discontinuance of execution, the literature dealing with partial questions related to those reasons, the numerous case-law of the Supreme Court of the Czech Republic and the case-law of the Constitutional Court of the Czech Republic and practice, is used as a source of information. A substantial part of the thesis is devoted to executions conducted on the basis of arbitration awards, as these executions are very widespread in the Czech Republic. The familiarization with related case-law may help to successfully discontinue an execution.