

Changes in persons of parties to civil proceedings in contentious civil proceedings

Abstract

The subject of thesis' research are changes, which can occur in persons of parties to civil proceedings in contentious civil proceedings. The main focus is therefore naturally concentrated on contentious civil proceedings, nevertheless, there are some passages about uncontentious civil proceedings incorporated into the theses. The reason why is that both proceedings belong to the same category of civil proceedings, original proceedings. They show in certain ways the same features, but it is necessary to clearly define and distinguish them because of their different purpose.

The thesis' aim is to entirely cover changes in persons of parties to civil proceedings in contentious civil proceedings. Because of that there is an effective law arrangement described and critically evaluated in thesis, there are also some defects and suggested legislative changes *de lege ferenda* pointed out. The other subject of research is also case-law of domestic courts related to this issue. On the one hand, there is pointed out in some places on its conclusions, on the other hand, the case-law conclusions are sometimes subjects of criticism.

Because the theses is mainly related to parties to civil proceedings, the first part of thesis defines who is a party to civil proceedings and also analyses conditions of participation. The second part contains historical reference that deals with evolution of institutes which cause changes in parties to civil proceedings in codes of civil procedural law since the constitution of Czechoslovakian state until nowadays. The third part of the thesis analyses an effective law arrangement and the main focus is concentrated on institutes which enable changes in persons of parties to civil proceedings in contentious civil proceedings. These are accession of party to civil proceedings, substitution of parties to civil proceedings, procedural succession in case of loss of capacity to be a party to civil proceedings and procedural succession in case of singular succession. There are solved modalities of participation in contentious civil proceedings in the final chapters of the third part, which are fellowship of parties to civil proceedings, main intervention and intervention, where there are special eventualities of changes in persons of parties to civil proceedings in contentious civil proceedings. Two chapters in this part are

dedicated to changes in persons of parties to civil proceedings in uncontentious civil proceedings and in proceedings according to the fifth part of the Act no. 99/1963 Coll., The Civil Procedural Code. The last chapter draws proposals of legislative changes de lege ferenda upon the knowledge from the previous parts.

Key words:

parties to civil proceedings, change, contentious civil proceedings