

Procedural requirements of civil proceedings and examination thereof

Abstract

The main purpose of the submitted thesis is to provide a comprehensive treatise on procedural requirements of civil proceedings and examination thereof, as well as on addressing the deficiencies of procedural requirements identified during the proceedings and consequences arising in the event of failure to address such deficiencies. The aim of this thesis is to present and analyse not only the requisites of civil proceedings, which are expressly identified as procedural requirements by the Code of Civil Procedure, but also such requisites regarding their classification as procedural requirements the professional public has not reached the consensus.

The thesis is structured into five parts, then into chapters and subchapters. The first part of the thesis concentrate primarily on the definition of the concept of procedural requirements and the differentiation of deficiencies of procedural requirements from defects in the document instituting the proceedings. The second part is devoted to detailed description of the procedural requirements on the part of the court, namely the civil competence and jurisdiction of the court. The third part describes the procedural requirements on the part of the participants, ie the procedural subjectivity, the procedural capacity and the capacity to represent the participants and the power of representation. The fourth part discusses the negative procedural conditions, which include *Lis pendens* and *Rei iudicatae*. The final fifth part of the thesis deals with the so-called disputed procedural requirements, which includes the proper initiation of proceedings, the fulfillment of the fee obligation, the lawful impartial judge and the regular formation of the court. Throughout the work, special attention is paid to the case law, especially the case-law of national courts. The conclusion of the thesis summarizes the regulation of the procedural requirements of civil proceedings under applicable law and present the forthcoming legislative proposal, which should replace the Code of Civil Procedure in the future.