

## ABSTRACT

Extraordinary appeal in common plea represents one of extraordinary remedies which should be the last possibility of judicial review of decisions issued by lower court instance provided by the general court even though such decisions are legitimate. In connection with previous it is necessary that regularization is set in such manner that the interference with the legal relations is insignificant in comparison with interest for review and reach of justice. Within the extraordinary appeal the Supreme Court fulfils its two fundamental functions, i.e. ensuring of individual rights and also consolidation of judgements and completion of law. It is this balance of two functions which have resulted in issuance of quite a lot of amendments to Civil Procedure Code related to the extraordinary appeal in past, thus it is possible to state that the actually valid legal regulation (in its basic outlines) has been *de facto* same as of the effectiveness of Act no. 404/2012 Coll. Most of amendments were connected with admissibility of the extraordinary appeal which sets the principles for fulfilment of the Supreme Court functions.

Determination of admissibility qualification together with determination of reason for extraordinary appeal mean some of essentials of extraordinary appeal which cause difficulties to appellants especially due to inconsistent practice of the Supreme Court and the Constitutional Court. Together with these essentials a lot of practical issues arise. With appeal proceedings some particularities (in comparison with other proceedings) are connected in practice. The appeal proceedings are carried out before first instance court which is entitled to issue a decision in some cases (without the case being submitted to the appeal court) and before the Supreme Court as the only appeal court. The appellant shall be represented in the appeal proceedings. These proceedings are terminated by issuance of meritorious or non-meritorious decisions whereas approval of the decision shall be done by relevant quorum according to the legal acts.

Together with publication of the substance of new Civil Procedure Code in which quite a lot of essential changes of regulation of extraordinary appeal is proposed, a “stormy” discussion is happening related to the basic question whether the actual regulation of extraordinary appeal is satisfactory and in which regards it should be amended. Its results are hard to be predicted at this time.