

# **Recognition and waiver of a procedural claim**

## **Abstract**

The thesis deals with the institutes of recognition and waiver of a procedural claim, which are a specific way of ending of court proceedings based on a dispositional act of concerned procedural party. The purpose of the institutes of recognition and waiver of a procedural claim is, in particular, to speed up the proceedings and save costs to both the state and the parties, in a situation where there is no longer a factual dispute between the parties and yet the parties have an interest in authoritative acknowledgment of such situation, unlike, for example, the institute of withdrawal of the action, which does not constitute an obstacle of *rei iudicatae*.

The first chapter contains a general theoretical background of the thesis, definitions of basic terms and differentiation from similar institutes such as the mentioned withdrawal of the lawsuit or a court settlement. The first chapter also compares the differences between material recognition and waiver and their consequences. The following second chapter then contains a historical review of the regulation of the recognition and waiver of procedural claims institutes on our territory. The review begins with the Civilian Procedure Code from 1895, then deals with the Civic Procedure Code from 1950 and the current Civic Procedure Code in its form until 1989.

The third chapter forms the core of the whole thesis and deals with the current regulation of the institutes of recognition and waiver of a procedural claim, including all the significant related matters such as the prerequisites, manner and form of recognition or waiver, or specifics of subsequent court decisions or remedies against it. The third chapter also deals with the related so-called fiction of a claim recognition, which according to the current regulation is a special type of claim recognition and the court decides by a judgment for recognition, although formally it is rather a special form of default.

The very end of the third chapter is then devoted to the potential future regulation presented by the substantive intent of the Civil Procedure Code, comparison of the proposed solution to the institutes of recognition and waiver of a procedural claim and subsequent evaluation.