

Action for retrial

Abstract

This diploma thesis deals with issues of action for retrial. Its aim is to describe contemporary form of this extraordinary remedy how as it is regulated in the act No. 99/1963 Coll., Civil Procedure Code., carry out its comparison with Slovakian regulation and with the substantive intent of the Civil Procedure Code and also submit solution to some aspects of possible future regulation.

The thesis is divided into five chapters. The intention of the first chapter was to introduce basic terms and system, which includes action for retrial is its part. Part of this chapter is also dedicated to brief historical excursion, which tackles development of remedies since 1781 until publication of substantive intent of the Civil Procedure Code in the 2020 version.

The second chapter covers the action for retrial itself. Its subchapters gradually analyse individual elements of this extraordinary remedy in the form of admissibility, the grounds for bringing the action, persons entitled to bring action, time limits, particulars of the action, proceedings and decisions on it, costs of the proceedings and court fees, as well as the issues of the status of action for retrial among other extraordinary remedies.

The third chapter concentrates on comparing the Slovakian Civil Procedure Code with Czech regulation. The structure of this chapter has been designed to be as similar as possible to the previous chapter to allow a better comparison of the two regulations.

The penultimate chapter focuses on the comparison of the action for retrial provided in the substantive intent of the Civil Procedure Code in the 2020 version with regulation contained in the current Civil Procedure Code. Due to the uncertain future of this version of substantive intent, this chapter does not elaborate action for retrial in its complexity, but is focused only on some of its partial aspects.

The final chapter is dedicated to thoughts *de lege ferenda*. The terminological appropriateness of the term extraordinary remedies in relation to an action for retrial is addressed here, as well as the appropriateness of retaining the term *action* for this remedy is considered here. This chapter also treats the appropriateness of structurally linking the action for retrial and action for nullity in the current form of the Civil Procedure Code. The last consideration is directed towards the grounds for allowing bringing the action for retrial.

Key words: action for retrial, extraordinary remedies, Civil Procedure Code