

Abstract

Disposition of civil action

This thesis deals with the procedural acts that a plaintiff may use to dispose of their civil action. The plaintiff may exercise dispositive powers by defining the factual basis or the cause of action. These instruments include the withdrawal of the action and the amendment of the action. Furthermore, the plaintiff may dispose of their action through a change in the parties to the proceedings. Such includes the intervention of a party to the proceedings, substitution of parties, and procedural succession by singular succession. The plaintiff is considered the master of the proceedings. Under certain conditions, however, the legislation provides the defendant with a right of disposal. Such allows the defendant to assert their claim against the plaintiff through a counterclaim.

The first part of the thesis deals with the general concept of the action and defines its mandatory elements and its different types. At the same time, the first part focuses on the dispositive principle, indivisibly linked to the topic of this thesis.

The second part of the thesis deals with the individual dispositive acts by which the plaintiff and, under certain conditions, the defendant may dispose of the subject matter of the proceedings. These dispositive acts include withdrawal of the action, amendment of the action, and counterclaim.

The third part of the thesis is devoted to various instruments through which the plaintiff can change the parties to the proceedings. The plaintiff usually proceeds to change the parties to the proceedings due to a lack of active or passive standing in the court proceedings. This deficiency may be remedied by the intervention of a party, the substitution of parties, procedural succession in the case of singular succession, and procedural succession in the case of universal succession. The thesis deals with only the first three mentioned institutes, for procedural succession in universal succession only occurs at the court's decision and not at the plaintiff's procedural initiative.

The thesis analyses the legal regulation of the mentioned procedural acts and points out their advantages and disadvantages. The thesis also presents the changes introduced by the new Civil Procedure Code in connection with the above-mentioned procedural institutes.

Key words: subject matter of the proceedings, parties to the proceedings, the dispositive principle