

Denial acts in insolvency proceedings

Abstract

This rigorous thesis deals with the issue of acts of denial. The aim of the thesis is to provide a comprehensive interpretation of the process of denial of claims in insolvency proceedings, starting from the filing of the claim, through the review hearing, to the subsequent denial of the claim, which may lead to an in-court dispute if the entities entitled to deny the claim exercise this right.

The work first discusses the individual procedural subjects of the right of denial, then focuses on the review hearing as a key stage for denying claims, the individual methods of asserting claims under the Insolvency Act and then explores the process of denying claims itself, including the grounds for denial, the effects of denial and the differences in denial of enforceable or unenforceable claims.

The most attention is paid to disputes over the authenticity, amount and order of claims, or opposition disputes, which in practice are the most common insolvency disputes, alongside other disputes under the Insolvency Act, such as counterclaim, exclusion action, disputes for damages for breach of duties by the insolvency administrator, action for the division of the community property of spouses and action for the invalidity of contracts by which the assets were realised outside the auction, the common attributes of incidental disputes and the specifics of each of them.

Additionally, this work includes relevant case law concerning acts of denial and a comparison of the legal regulations of incidental disputes in neighbouring countries such as Germany and Slovakia.

Keywords: denial act, denial of claim, incidental dispute