

# I. Abstract

The aim of the thesis is to describe the issue of enforcement claims under execution for monetary compensation according to the Executory Code and judicial enforcement of decision under Part Six of the Civil Procedure Code. Consensus for judicial enforcement and execution, which is largely based on the regulation of judicial enforcement of decision, as the Executory Code is special to the Civil Procedure Code, made the author realize clearer interpretation of individual topics from the point of view of judicial enforcement of decision and parallelly from the view of judicial execution. Executory title is essential requirement for judicial enforcement of decision or writ of execution. However, it is not the only one prerequisite. There are other assumptions, which are requirement to the writ of enforcement and successful completion of the execution or judicial enforcement. Other essential attributes, that need to be examined, are perfection of proposal, active legitimation of the claimant, passive legitimation of the debtor, their eligibility, *litispendentio* or *rei iudicatae* etc. The absence of even only one of the conditions proceeding is a procedural defect. Execution proceedings and judicial enforcement consist of several phases. Also in the phase of own enforcement, there can be facts, which may have a major impact and that is why the author has involved them into work.

The author does not describe only theory, but lists a number of examples and their solutions based on extensive case law which is used in this work. The author presents his own view proved with arguments based on his experience as a higher court official and active lawyer in the given field. His special attention is given to comparing the power of the executor while executing with the court authority to enforcement, which attaches great importance from the view efficiency of both methods law enforcement from executory title in comparison . The work was elaborated in the period of 2010 and 2012. At the time of its completion “Government proposal for promulgation of Act amending Act No. 99/1963 Coll., the Civil Procedure Code as amended, and other related laws“ was submitted, which currently successfully passed through the legislative process as the acts no. 396/2012 Coll. and no. 404/2012 Coll. This reform so much changes issues, which this work deals with, that its inclusion would require a disproportionate interference in its essence. For this reason, the author summarizes the changes only in one part of this work.