

## Summary

The aim of this thesis is to define the disputes arising from the execution and bankruptcy proceedings, to categorize them to the systematic framework, to outline their nature and to create a comprehensive overview about these disputes.

The thesis is divided into three chapters, which are subdivided into subsections and parts.

The first chapter of this work is aimed to the general issues, that have the influence on creating and forming of disputes resulting from the execution and insolvency proceedings, because it would be impossible to capture this topic coherently without these initial premises. Thereof, there are incorporated the conceptual definition of the execution proceedings and the principles of the execution proceedings, particularly considering the principle of protection of the obliged person and the principle of protection of third parties. In the part dealing with the aspects that form the disputes in the insolvency proceedings there are indicated the historical development of the insolvency, the overall characteristic of the insolvency proceedings, its specific principles and the difference from the former legislation. Further, for making a general overview of disputes arising from the execution and insolvency proceedings, there is also included in the first chapter the classification of execution disputes and the classification of insolvency disputes in the insolvency proceedings. This classification mingels with other parts of the thesis and it gives them a clear framework.

In the second chapter there are settled the disputes arising from the execution proceedings. For the division of these disputes there is determining the fact, whether the disputes are solved in the finding proceedings or in the execution proceedings. At the beginning there are defined the disputes solved in the finding proceedings, at first generally with respect to their common features. Than there is given a interpretation to particular disputes, sorted by the moment of their possible formation, thus wheather they arise before the initiation of the execution proceedings, during the proceedings or after the proceedings. In this order there are characterized the disputes over the completion of the execution title due to its material non-enforceability, the disputes over the completion of the execution title due to the changes of entitled or obliged persons, exclusionary disputes, resistance disputes and the disputes from the better right. Subsequently the attention is concentrated on the description of the disputes solved directly in the execution proceedings, so called incidental disputes. First there are defined their specifics against the execution disputes solved in the finding proceedings and further there are directly settled the disputes over termination of the

execution due to the right termination (the opposition disputes) and the disputes over termination of the execution for inadmissibility according to the section 268 (1) letter h) of the Act. No. 99/1963 Coll., the Civil Procedure Code, as amended (the impugnation disputes).

The chapter three of this thesis is devoted to the disputes arising from the insolvency proceedings, their definition, description of the basis of attributes of particular incidental disputes keeping the order referred to the Insolvency Act. Closely there are described the disputes over the authenticity, the amount or the order of the registered claims, the exclusionary disputes, the disputes over the settlement of the joint property of the debtor and his wife and the disputes on the basis of the opponent claim.