

Abstract

The thesis deals with current legal regulation of incidence contentions, which can occur in the enforcement proceedings. The thesis consists of 3 chapters.

The introductory chapter of the thesis deals with the introduction of the basic terminology, historic background, attributes of civil procedure and differences between enforcement proceedings and exekutory proceedings. It is essential to bear in mind that for a very purpose of this thesis a term „enforcement proceedings“ refers to the civil execution on the one hand, and the enforcement procedure on the other. Among others, following disputes have been tackled: disputes about enforcement, exclusive contentions and last, but not least Third-Party Debtor disputes. Disputes which emerge from both types of civil enforcement proceedings are currently not regulated in the Execution Law and must therefore be governed by the rule of Civil Procedure. Principal differences among certain types of disputes consist in particular in the phase of proceedings in which each dispute shall be addressed. While disputes about enforcement shall be settled in the phase of enforcement proceedings, the others shall then be transferred back in to the phase of adversarial proceedings. Second chapter deals with disputes about enforcement and its characteristics. Third chapter deals with disputes which are usually settled in the adversarial proceedings and it consist mainly of the exclusive contentions and Third-Party Debtor dispute.

The exclusive contentions deal with situation then a property of third person could incidentally be subjected to the enforcement. A Third-Party Action might then be put in action as defence in such a case. If this is the case, a person on whom the order of enforcement was issued, could then bring a law suit through Third Party Action, there by protecting her rights.

A third - party debtor disputes usually occur hen the Third-Party Debtor some how fails to fulfill court impose obligation to act in behalf of the authorised person. If this is the case, the authorised person could then sue a third-party debtor directly.

Numerus clausus of the incidence contentions includes also the so called action of better law regarding redistribution of yield sof the execution. These disputes deal specifically with contentions between authorised persons and other creditors on one side and third party persons on the other.