

Abstract

Eligible insolvency petition is the only way how to initiate insolvency proceedings and therefore to achieve the highest and usually proportional satisfaction of creditors claims of the debtor. The quality of administered insolvency petitions according to actual statistics may not match the requirements set out by the Insolvency Act and the decision-making practice of the courts. Because of this fact, my goal was mainly to point out the repetitive mistakes, which are made by insolvency petitioners in administration, to define the particulars of such petitions, and to provide the instruction how to give the eligible petition for consideration.

My diploma thesis is divided into five chapters, where there is a gradual refinement of the requirements for insolvency petition. The first part includes basic definition of decline and impending bankruptcy when these institutions are a precondition for the commencement of insolvency proceedings and insolvency petitioner in its proposal must say that the debtor is insolvent, or that it may threaten him. The second chapter defines the decision of insolvency petition to be sure how the insolvency court may respond to such petitions, there is also a defined responsibility of insolvency petitioner for submission of undiscussed petition. The third chapter refers to insolvency petition itself, to its general and formal requirements and partly substantive conditions which are both required for the petitioner's insolvency creditor as well as the debtor. Subsequently due to the different roles of the creditor and the debtor, I devote to their petitions separately. The fourth part introduces the issue of creditors' insolvency petition in detail, then the fifth chapter deals with the issue of the debtor when all the findings are summarized in the conclusion, and it is pointed out that it partly depends on the willingness of the courts to deal with the insolvency petition.