

Abstract

Appeal in civil procedure

The aim of this diploma thesis is to describe the law regulation of appeal in czech civil procedure in connection with application of law by judges. I tried to describe the process of appeal procedure in Czech Republic and also describe a practical problem connected with application of law. This type of legal remedy is the most applied way how to examine or change the verdict of the judge.

I have choosen the topic Appeal in civil procedure, because I am interested in civil procedure at all and in the future I would like to become a judge assistant. I think that knowledge of civil procedure is very important for each lawyer.

The legal regulation of appeal and other legal remedies is enshrined in the legal act No. 99/1963, called *Občanský soudní řád* (Civil Procedure) in Czech Republic. The regulation we can find also in other legal acts (e.g. No. 292/2013 called *Zákon o zvláštních řízeních soudních*).

This thesis is divided into twelve chapters, each charter is focused on different issue of this topic Appeal in civil procedure. The thesis is consisted of theoretical explanation of the institution of appeal in civil procedure and I also tried to emphasize the meaning of the practice of the courts, because the practical application of law is maybe more important than the theory. I described how to appeal, the necessity of the document, and the ways how can the court of appeal decide. The court of appeal can confirm, change and make its own decision or return the decision to the trial court to make new decision.

The second part o my thesis is focused on so-called trivial things and the possibility to appeal in trivial things, because it is not possible to appeal in these things. The trivial thing is a thing, where the legal claim (the requirement of the plaintiff) is not higher than 10.000 crowns. I tried to think about financial limit. Is this legal regulation fair?

In conclusion, my thesis gives the fundamental information, principles and law regulation of the institution of appeal in civil procedure in connection with the practical application of law. I also attempted to give an indication of some improvement of legal regulation. My thesis is ground on valid and effective law regulation until June, 2016.