

## **Hearing in the civil proceedings – Abstract**

The diploma thesis deals with the course of hearing from its order, through the initiation to the end and issuance of the decision on the merits, since only properly run hearing is a guarantee of fair and complete hearing on the merits without delay. At the same time, the thesis pays attention to the principles that relate to hearing and whose observance ensures the participants right to a fair trial. The thesis will deal with the course of hearing both in adversarial and inquisitorial proceedings.

The first chapter defines the concept of civil proceedings, hearing, and it is consequently stated by whom the proceedings are governed. The second chapter discusses the principles of hearing that are part of the right to a fair trial. It is a principle of public, oral and straightforward. When dealing with the principle of public, there is a certain amount of space devoted to the reasons for which the public can be absolutely or partially excluded from the hearing. The chapter also deals with the possibilities to ensure a dignified and undisturbed course of hearing, including ways and restrictions on the acquisition of audio and video recordings and transmissions from hearings. The longest and the most comprehensive chapter in the thesis is the third chapter, in which the individual parts of the hearing in the disputed proceedings are analysed in detail, from the order of the hearing (including the specification of the reasons for not requiring a hearing), the writ of summons and its delivery and also course of hearing after its order till initiation. The thesis also deals with the initiation of hearing and its course (including presentation of petitions, instruction of persons, concentration of proceedings, taking of evidence including other writs) after the conclusion of the hearing and the declaration of the merits. Attention is also paid to adjournment of hearing. In the second and third chapters, the current legislation, contained in the Civil procedure Code, is compared with the proposed amendment, modified in the Factual Intention of the Civil Procedure Code. Last chapter focuses only on the differences in the course of the hearing in the inquisitorial proceedings, since the greater part of the proceedings is taking place, both in adversarial and inquisitorial proceedings, similarly.

### **Key words**

Principles of hearing, course of hearing in adversarial proceedings, course of hearing in inquisitorial proceedings.