

Abstract

Procedural requirements of civil proceedings

The court must meet special requirements regulated by civil procedure in order to issue a judgment in civil proceedings. These requirements are called procedural requirements of civil proceedings. If they have not been met the court must not issue a judgment. Procedural requirements are not enumerated in the Civil Procedure Act. They are created by the theory of civil procedure and by judicial decisions.

The first three chapters of the diploma thesis deal with the institute of procedural requirements in general. It is emphasised their role in civil proceedings, analysed legal regulation of the institute and introduced ways of their examination and remedying possible imperfections. Literature is the main source of information in this theoretical part of the thesis.

Following chapters are focused on analysis of particular procedural requirements. All requirements are very important and each requirement could be a separate object of research so the diploma thesis concentrates only on defining their function. The thesis also presents methods of determining whether particular procedural requirement has been met and mentions possible ways of remedying imperfections in procedural requirements. Theoretical knowledge acquired in the general part of the thesis is applied on particular procedural requirements with emphasis on describing possible distinctions between them. The concept of the special part of the thesis is based on information found in court decisions.

The aim of the thesis is to present the most comprehensive view on procedural requirements of civil proceedings. The main goal is not only to introduce the concept of procedural requirements, but also to find controversial issues and to make own point of view on them. Not only theoretical knowledge from literature, but also recent judicial decisions are used to find answers to points of controversy.