

Summary

The object of this thesis is Selected issues of evidence in civil contentious proceedings. Evidence itself occupies an important position in the civil procedure because it is a prerequisite for issuing a correct and fair court decision. The aim of this paper is to deal with the institutes of evidence procedure that lead the subjects of civil contentious proceedings for certain procedural activity in order to determine the facts and issue a decision in the case. The thesis is divided into six chapters, the first chapter includes an introduction and the last, sixth chapter includes the conclusion.

The second chapter deals with basic questions of evidence in civil proceedings and is subdivided into four parts. Particular parts deal with the concept of evidence in civil proceedings, the object of evidence (which is delimited both positively and negatively), institutes facilitating the evidence in civil procedure (legal presumptions and fiction, preliminary question and discretion of the court) and the actual course of procedure of evidence in civil proceedings. The procedure of evidence is divided into several phases such as adduction of evidence, obtaining proofs, examinations of evidence by the court and finally, the evaluation of the evidence by the court.

The third chapter deals with civil contentious proceedings, defines it in comparison with non-contentious proceedings and contains a list and explanation of sectoral principles of civil proceedings, which have an impact on the evidence and which applies in the contentious civil proceedings.

The fourth chapter discusses the procedural obligations of the parties in evidence in civil proceedings. The two major procedural obligations of the parties to litigation in evidence are the obligation of allegation (duty to assert facts) and the obligation of evidence (duty to submit evidence). This chapter also contains an explanation concerning the consequences of failure to meet these obligations.

The fifth chapter deals with the procedural burdens of parties to litigation, namely the burden of persuasion and the burden of proof, with allocation of the burden of proof between the parties to litigation, with evidence of negative facts, with the burden of proof

in discrimination disputes and with explanatory obligation of the party unloaded by the burden of proof.

The sixth chapter deals with the obligation of the court to inform and instruct the parties to litigation about their procedural obligations and burdens. The court's obligation to inform and instruct is divided into a procedural and substantive obligation. This chapter also deals with the obligation to inform and instruct in relation to the concentration of civil proceedings and the consequences associated with failure to meet such a obligation.