

Abstract

The theme of this diploma thesis is the Incidental disputes arising from the proceedings for the enforcement of judgments (execution). This topic is very actual because of the increasing number of execution proceedings. The aim of this thesis was to present the category of incidental disputes in general and further present the incidental disputes that may arise in execution proceedings complexly, outline their position in legal code, and describe their purpose, nature and features that are typical for them. Apart the introduction and conclusion the thesis contains eight chapters in total.

The first chapter deals with the category of incidental disputes in general and their classification, wherefore is further divided into three subchapters, where is generally dealt with the concept of incidental dispute, further subchapter is focus on the proceedings for the enforcement of judgments and execution proceedings including the brief outline of their historical progress. The end of the first chapter is related to the general and specific principles, on which the execution proceedings is built.

The second chapter is dedicated to the incidental disputes in execution proceedings, or rather executional disputes and their classification from various points of view, especially the classification into disputes discussed in execution proceedings and disputes discussed before the judge in civil lawsuit. The third chapter deals with the opposition disputes and the fourth chapter is related to the impugnation disputes that are discussed in execution proceedings.

The fifth chapter is related to exclusionary disputes which are widely describe in subsequent seven subchapters. The last subchapter deals with exclusionary action, which takes the spouse of debtor, and its specific features. The sixth chapter is dedicated to the resistance disputes that are presented in the four following subchapters.

The seventh chapter deals with the third party debtors disputes. It is divided into four subchapters, the first one is related to this disputes in general and the following subchapters are dedicated to the actions against debtor's debtor at various methods of execution. At last the eighth chapter deals with the disputes from the better right that are not regulated in the positive law.