

Appeal in civil procedure

Abstract

The presented rigorous thesis deals with the issue of appeal in civil procedure with an emphasis on a contested litigation. Appeal constitutes the only ordinary legal remedy that can be applied in civil procedure according to the effective legal regulation.

From the point of view of systematics, my thesis is divided into eleven sections, which are, because of clarity and logical division of individual parts of the discussed issues, further divided into sections and then into articles.

The two introductory sections are devoted to more general reflections on the chosen topic. The first section contains an introduction to the issue of the legal review of judicial decisions, specifically focusing on a general interpretation of issues of remedial procedure, remedial systems, and finally the division of remedies into the regular and extraordinary ones. The second section focuses on the historical development of the legal regulation of appeal in the Czech countries, both before 1918, and afterwards.

The second part of my rigorous thesis, consisting of the remaining nine sections, is already working with the problem of appeal from the point of view of the currently effective legal regulation. They include the general characteristics of the institute of appeal in civil procedure, the conditions of admissibility of the appeal, but also the issue of filing an appeal, in particular its form and requirements, the effects of the appeal and the possibility to waive the appeal and to withdraw the appeal. The eighth section presents an analysis of the appeal procedure itself, section nine deals with the decision on appeal made by the appellate court, and in the tenth section the rigorous thesis deals with the issue of the costs of the appeal procedure and the decisions on them. The final eleventh section analyzes the differences between the Czech and Slovak legal regulation of appeal in civil procedure.

The aim of the presented rigorous thesis is to present this very broad issue of appeal in civil procedure as comprehensively as possible, not only in terms of a legal theory, but also in terms of broad case law of the Czech courts. In addition to emphasizing the importance of this institute of procedural law, my rigorous thesis tries to point out places that, in the author's opinion, deserve a change in the legal regulation *de lege ferenda*. Last but not least, it aims to acquaint the reader with the historical development of the legal regulation of this institute of civil procedure and with the differences between the Czech and Slovak legal regulation.

Keywords

Civil Procedure, Appeal, Ordinary Legal Remedy