

E drejta e procedurës civile

1. Format e vendimeve gjyqësore ?

- *Format e vendimeve gjyqësore ndahen në Aktgjykim dhe Aktvendim. Aktgjykimi dhe aktvendimi janë veprime procedurale më të rëndësishmet që i kryen gjykata e qështjes. Me aktgjykim gjykata gjithmon vendos për kërkespadinë, dmth për objektin e kontestit ndërsa me aktvendim gjykata vendos për te gjitha qështjet materialo-juridike apo proceduralo-juridike për te cilat nuk vendoset me aktgjykim.*

2. Përfaqësuesi ligjor i përkohshëm dhe autorizimet e tij ?

- *Përfaqësuesi ligjor i perkohshëm është nje lloj i përfaqësimit ligjor që e emëron gjykata në situatën me të cilën duhet domosdo të kryhet ndonjë veprim procedural kundër palës që nuk ka zotësi procedurale e as perfaqesues te caktuar. Autorizimet e perfaqesuesit ligjor ka të drejtë që në emër të palës t'i kryej të gjitha veprimet procedurale të cilat u jep shkas gjykimi konkret. Përfaqësuesi ligjor i palës duhet të ketë autorizim të posaqëm: për ngritjen apo tërheqjen e padisë; për pohimin e kërkespadisë; për heqjen dorë nga kërkespadia; për lidhjen e pajtimit gjyqësor; si dhe për kryerjen e veprimeve të tjera të natyrës disponibile.*

3. Zotësia procedurale si prezumim procedural ?

- *Zotësia procedurale si prezumim procedural, gjykata është e detyruar që në të gjitha fazat e gjykimit të hetojë mungesën e zotësisë procedurale. Kjo zotësi duhet të jetë e kualitetit permanent të palës, nga fillimi e deri në momentin e dhënies së vendimit (kur gjykata konstaton mungesën thërret përfaqësues ligjor). Dmth gjykata nuk mund të hedhë poshtë padinë për shkak të pazotësisë procedurale të palës së paditur. Në qoftëse pala gjatë gjykimit e humb zotësin procedurale, shkaktohet ndërprerja e gjykimit - ex lege.*

4. Bashkndërgjyqësia unike (të shpjegohet me raste) ?

- *Bashkndërgjyqësia unike - karakteristike e bashkndërgjyqësisë unike është ajo se kontesti, sipas ligjit apo për shkak të natyrës së raportit material-juridik nga i cili ka lindur, mund të zgjidhet vetëm në mënyrë të njejtë ndaj të gjithë bashkndërgjyqësve të cilët e përbëjnë një palë*

Komentari I Procedures Civile

Michael Rajnik



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