

CASE BRIEF
Action to vacate the property

57Co 25/2003

Parties:

M. V. and H. V. (plaintiffs) versus A. V. (defendant)

Facts:

M. V. and H. V. gave to defendant immovable property by a donation contract in 1991. In 1998 defendant moved into the flat in the house, which was one of the subjects of the contract. After he moved, the relations between him and plaintiffs had worsened. In 2000 plaintiffs wanted to return the donation, because defendant acted against good morals and he physically attacked them so they sent the defendant a letter. Defendant responded to them by a letter too. Defendant didn't agree with returning of the donation. The case went to the District court.

Legal issues:

Was defendant's behavior really against good morals?

Procedural history:

The District court confirmed the validity of contract and the validity of request for returning of donation. Next the court confirmed that the request for returning of donation was delivered to the defendant not later than 5.4.2000. Then the court properly deduced that the defendant's behavior against good morale must occur before 5.4.2000 and all his negative behavior after this data is irrelevant. The District court taken as proven that the defendant verbally insulted the plaintiffs however it was mutual, further that he wasn't helping the plaintiffs however the plaintiffs didn't want his help. Next the court taken as proven that the defendant refused to drive the plaintiff to hospital however in the same time he was ill and that he caught the plaintiff's arms and shook with her so she had hematomas on her arms, however she is vulnerable to hematomas.

The District court didn't find the defendant's behavior against good morale.

The plaintiffs appealed to the Country court and demanded changes in judgment in their favor.

The court examined judgment of the District court and concluded that the appeals are not reasonable.

Reasoning of the court:

The District court decided that the defendant's behavior wasn't against good morale because of its intensity and because the fact that the verbal insult was mutual, so it cannot be classified as behavior against good morale from the side of the defendant.

The Country court confirmed the decision of the District court and confirmed that the District court did not fail in the process of proving.