

The name of the case

Suspicion of fraud

Parties

Plaintiff: JUDr. Karel Usain

Defendant: The Bestwatches s.r.o

The summary of the case

On 5.6. 2012 JUDr. Karel Usain bought new watch from bestwatches s.r.o via their websites www.bestwatches.com. The shop guaranteed, that watch will be sent immediately on his address and the proceed may take about 2 days. It takes about two months and when the product was delivered, plaintiff on the first sight recognized, that it wasn't the same type which he ordered and the condition of this watch was bad too. A hour hand was in the other colour and the central 60seconds counter hand didn't work.

The defendant argued that Mr. Usain has ordered another type of watch. The lower court decided in favor of the defendant, because plaintiff really ordered other type of watch well the defendant wasn't responsible for any compensation.

Legal Issue

The main question that should be answered by the court is whether has JUDr. Karel Usain the claim to obtain redress or satisfaction.

The ruling if the court

Case went to the higher court, because the plaintiff appealed and The Court of Appeal reversed the decision of the Lower court.

The reasoning of the Court (higher instancion – The Court of Appeal)

The court found that the defendant is guilty because the company bestwatches s.r.o wanted to deceive their client about condition (Court argued that it is not important if is the other type of watch, but it must be functional) and date of delivery.

The plaintiff has the claim to obtain redress and satisfaction in money.

