

25 Cdo 1943/2006

The plaintiff involved in this case is a woman called V. Š. represented by a barrister. The defendant involved is a Czech town called N. n. H..

The dispute between the two parties is mainly based on neighbour's duties. The defendant demolished a house next to a plaintiff house. After few years the plaintiff perimeter wall fell down. Plaintiff claimed that the crash of the wall is defendant fault. Whereas the defendant claimed that he did what he should and could and that the later crash of the wall is not his fault.

Firstly the lower court held that the town had to pay the amount of 187 441 Kč. After that the town, the defendant, appealed and the court of Appeal cancelled the lower court ruling. The plaintiff was not satisfied with this judgement and she appealed to a Supreme Court. The Supreme court ruled that the lower court should again consider if the defendant really had done what he should have done to protect the plaintiff house, and cancelled the holding of the Court of Appeals. And thus the lower court did what the Supreme Court ruled. Subsequently this court investigated what the defendant made for protecting neighbour's house and made a decision that the defendant should pay the amount of 46 860 Kč. As it was only his fault from one quarter, there were other circumstances as winter, wind etc. Then both parties appealed again to The Court of Appeals. The Court of Appeals dismissed the legal action and held that the plaintiff should pay expenses. The plaintiff made again an appeal to Supreme Court. Finally The Supreme court decided to agree with the Court of Appeals.

The question raised by this case is for how long after the demolition should the defendant ensure the neighbour's house.

The Supreme court held that the plaintiff should pay the amount of 19 498 Kč for the expenses.

The Court reasoned that the fall of the perimeter wall was not defendant fault. This crash happened after five years from demolition. During the demolition the defendant secured the neighbour's house as the law order. The Court found out that there were other reasons like influence of the winters that passed and also the wind. The Court as well declared that the owner, the plaintiff, did not care properly of the house as in the mean time fell down another perimeter wall from that house from another side of the house.