

Case brief

The plaintiff, Mr. L. P., wanted that the Court confirms he is one of the joint owners who owes the pond close to Rakovník.

This pond has a rich history which unfortunately complicates the whole situation. First it was built but then at the time when the plaintiff's ancestors acquired the ownership it was decided there will not be the pond any more. Despite that decision, the pond was later rebuilt. But the question is whether the pond can be an object. And if so, does it mean the plaintiff owes the pond land or only a land where there is a real estate on it?

The District Court decided he owes the land only, because at the time when his ancestors acquired the ownership there was not any pond. That means he also has the obligation connected to fact that there is a real estate on it that he does not owe.

The Court of Appeals upheld the decision of first instance court. It added that the joint ownership can be decided only about things that are allowed to be the object of the civil law.

The High Court mentioned that the recent leading of process was not correct. It recommended certain ways how to clarify the situation. It mainly referred to the cadastral law where the courts could have found the description if the pond is allowed to be the object of civil law. It also noted that the lower courts had not seen certain laws and mainly because of this it remanded it back.