

This case brief was prepared on the basis of the Supreme Court's decision from 2006.

For presenting a brief I have chosen a case between two unidentified parties which deals with law between neighbours. The case was being decided under the Czech jurisdiction. This is an important case for a better understanding of how this particular area of proprietorship actually works and how a damaged party can protect herself/himself.

First of all, I will point out some significant facts of the case, then I will tell you something more about the stages of the litigation and finally I will tell you what implies from the particular decision of the Supreme Court of the Czech Republic that was the highest instance in this case.

The facts are following: the proceeding was established by the plaintiff who claimed to be troubled by the noise coming from the building distant about 150 metres from his apartment. In this case there were two defendants: the defendant number 1 was the owner of the building and the defendant number 2 was the author of the noise. The issue in this case was whether the plaintiff can sue even the person who was not directly responsible for the cause of the action, in this case the owner.

Now, I will tell you something about the procedural history of the case. In the first instance the court decided in favour of the plaintiff. It held that both defendants were equally responsible for the high rate of the noise coming from the building. Consequently, both defendants were ruled to obey any actions causing the noise.

Nevertheless, the case went to appeal, where the court of appeal reversed the ruling of the first instance. The court drew the conclusion that the action was unreasonable in terms of law of neighbours, due to the fact that the plaintiff has the duty to suffer some rate of noise as this is normal for others living in that area. Moreover, the court of appeal noted that it is not possible to start a legal action against someone who cannot influence the cause of noise (in this case the owner of the building).

This decision of the court did not satisfy the plaintiff who put the action to the Supreme Court. It resolved the legal problem subsequently: it is primarily the problem of the owner to take a reasonable care of what is happening within his/her own property. In conclusion, the owner has the same level of responsibility as the person causing the breach of neighbours' law within the owner's property. Regarding this, the Supreme Court remanded the case back to the lower court for further proceedings.

To sum up, what does imply from the legal reasoning of the Supreme Court of the Czech Republic? It does not matter whether you do not directly interrupt someone else's right of not being troubled yourself; once you are the owner of some property you have an absolute responsibility of it and it is solely your problem whether someone else acts in non-compliance with legal rules and laws. You are the one who should avoid him/her from doing that.