**Name: Eva Sigmundová**

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**UČO: 392849**

**Group: n. 15**

**Topic of a case brief: inheritance, succession**

***A case brief***

**I would like to present a brief of the case** M.B vs. Czech republic - Office of the Government Representation in Property Affairs in Prague 2, from the year 2012 (file number: 21 Cdo 2301/2012). I found this case interesting because we was talking in lessons of civil law about inheritance and succession. And this case deals with this topic.

**First**, I will write about the fact of the case and then something about stages of litigation and the holding of the courts. Finally I will explain the reasoning of the courts.

**The facts of the case are as follows**: appellant/plaintiff ( Mrs. M.B.) took a action againts Czech republic - Office of the Government Representation in Property Affairs in Prague 2. Because she complainted about wrong succession. She argued that she was rightful heir of property after testator R.P. because they have lived in common household. She was not his wife, but she was his consort/mate. And she was pointing on the paragraph number 115 of civil code. That she had a right to be his heir.

**In the first instance**(the District Court for Prague3), the court dismissed accusation because it found the action meaningless. The court found out that appellant has not lived in one flat with testator one year before he( the testator) passed away. (§ 115 civil code)

**The issue in this case is** to prove if the appellant really lived in one flat with testator and both shared all costs, both took care about flat and each other.

After refusal of the District Court of Prague 3, **appellant appealed to Municipal Court in Prague**. But the court affirmed the decision of the lower court.

The court noted that appellant could not argue with common living if they just lived in one house but in two diffrents flats. And if they spent Christmas together or they visited each other, this behaviour could not be considered like living together.

After judgement of Municipal Court in Prague, appellant appealed againts the decision to The Supreme Court in Brno. The court **did not deal with the appeal** because the court argued that appellant did not have a right to appeal to Supreme Court in this case. The Supreme Court noted that appellant did not have enought evidence of any mistakes which could be overlook in proceeding in lower courts.

**The reasoning of the court was refusal of appeal because of proving that the appellant has not lived in one household therefore she (appellant) could not be heir of law.**