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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 were 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 an action against Czech republic - Office of the Government Representation in Property Affairs in Prague 2. Because she complained about wrong succession. She argued that she was a rightful heir of property after testator R.P. because they have lived in a common household. She was not his wife, but she was his consort/mate. And she was pointing to the paragraph number 115 of civil code. That she had a right to be his heir.

In the first instance(the District Court for Prague 3), the court dismissed the accusation because it found the action meaningless. The court found out that the appellant has not lived in one flat with the 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 the testator and both shared all costs, both took care about the 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 the appellant could not argue with common living if they just lived in one house but in two different 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, the appellant appealed against the decision to The Supreme Court in Brno. The court **did not deal with the appeal** because the court argued that the appellant did not have a right to appeal to the Supreme Court in this case. The Supreme Court noted that the appellant did not have enough evidence of any mistakes which could be overlooked in proceedings 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.