

99046032058000

File an action with the ordinary court (first instance, local court)

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Modul	Sachverhalt
Leistungsschlüssel	99046032058000
Leistungsbezeichnung I	File an action with the ordinary court (first instance, local court)
Leistungsbezeichnung II	File an action with the ordinary court (first instance, local court)
Typisierung	10 - Verwaltungsinterne Leistung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 194 bis 218 Bürgerliches Gesetzbuch (BGB) – Verjährung • §§ 23 bis 23b, 71 f., 118, 119 Gerichtsverfassungsgesetz (GVG) – sachliche Gerichtszuständigkeit • §§ 12 bis 37 Zivilprozessordnung (ZPO) – örtliche Gerichtszuständigkeit • § 78 ZPO – Anwaltsprozess • §§ 253 bis 510b ZPO – Verfahren im ersten Rechtszug • §§ 511 bis 541 ZPO – Berufung • Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) • Gerichtskostengesetz (GKG) • Gesetz über Gerichtskosten in Familiensachen (FamGKG) • Signaturgesetz (SigG) • Sächsische E-Justizverordnung (SächsEJustizVO)
Teaser	<p>If you wish to pursue a claim by way of legal action, you must contact the competent court of first instance. For proceedings in civil disputes (e.g. in sales or inheritance law), the local court generally has jurisdiction for amounts in dispute up to EUR 5,000 and the regional court for amounts in dispute over EUR 5,000. For some proceedings, the local court is always the court of first instance regardless of the amount in dispute, for example for</p>
Volltext	<p>If you wish to pursue a claim by way of legal action, you must contact the competent court of first instance. For proceedings in civil disputes (e.g. in sales or inheritance law), the local court generally has jurisdiction for amounts in dispute up to EUR 5,000 and the regional court for amounts in dispute over EUR 5,000. For some proceedings, the local court is always the court of first instance regardless of the amount in dispute, for example for</p>

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- Family cases or
- Tenancy disputes concerning residential property.

Regardless of the amount in dispute, the regional court deals with the following at first instance

- Claims for damages due to breaches of official duty by a civil servant and
- Claims for damages due to false, misleading or omitted public capital market information.

In the first instance, the Higher Regional Court decides on

- Model proceedings under the Capital Investor Model Proceedings Act and
- Compensation claims due to overlong court proceedings before the ordinary court or overlong criminal investigations by the public prosecutor's office.

Tip: A more detailed list of the Saxon courts, their tasks and responsibilities can be found on the website of the Saxon State Ministry of Justice and for Democracy, Europe and Equality (see "Further information").

Erforderliche Unterlagen

Voraussetzungen

Legal representation

Representation by a lawyer* is recommended; in certain family cases, lawyers are also required to appear before the local court.

*) In order to remain comprehensible, we limit ourselves to the generalised designations of persons, they always refer to each gender - the editors

Kosten

- Advance on court costs
- if you are unsuccessful: generally all costs (amount varies from case to case depending on the amount in dispute)

Persons with a low income may be entitled to

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counselling assistance and legal aid.

Verfahrensablauf

Filing a lawsuit

You can file a claim with the local court in the following ways:

- You can instruct a lawyer to formulate and submit the statement of claim.
- You can formulate the statement of claim yourself and submit it to the court in writing (in several copies).

Your letter must contain at least the following information:

- who you are bringing the action against,
- what you want to achieve with the claim (e.g. payment of a certain amount of money) and
- what you are claiming (for example, because your claim for rent under a lease has not been honoured)
- You can also contact the court directly to file the claim and submit it orally for the record. To do this, contact the court's legal application centre. The clerk will help you to formulate your claim and then forward it.
- You can also file the claim by submitting an electronic document with the above-mentioned minimum information if the document is provided with a qualified electronic signature. Please note the following: Use an authorised format (ASCII, UNICODE, Microsoft RTF, Adobe PDF, XML, TIFF, Microsoft Word) Provide the document with a qualified electronic signature in accordance with the Signature Act (issued by a recognised certification service provider) Observe the current processing requirements (see further information) Send the document to the electronic mailroom of the court (see further information)

In the statement of claim, you must describe the facts of the case and state your claims. You can improve the chances of success of your claim and help to speed up the proceedings if you name witnesses or provide evidence in the statement of claim.

The court will send the statement of claim to the defendant with a request to respond within a certain

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period of time.

Conciliation hearing

The court may set an early first hearing, which begins with a conciliation hearing. At the conciliation hearing, both parties can describe the case from their point of view. The aim is to reach an amicable agreement (settlement).

Note: The court can also suggest to the parties involved that out-of-court mediation be organised. Alternatively, it can refer the parties to a judge appointed for this purpose who is not authorised to make decisions (arbitrator) in an attempt to reach an amicable settlement. The arbitrator can use all methods of conflict resolution, including mediation.

Negotiation and judgement

If no amicable agreement can be reached, an oral hearing is held. Evidence such as documents and expert opinions can be used and witnesses and experts can be heard.

After the evidence has been taken and both parties have stated their case again, the judge will orally announce the judgement (in family cases: order). A separate date may also be set for the pronouncement of the judgement.

The written judgement with detailed reasons is sent to the parties.

Bearbeitungsdauer

Frist

- Appeal: within one month of notification of the judgement (with a minimum value in dispute of EUR 600.00 and express permission to appeal) The regional court is usually responsible for this (exceptionally the higher regional court, such as in family cases).
Limitation period Before you take legal action, you should check whether the claim you wish to assert in court may already be time-barred. The statute of limitations runs for quite different periods of time,

Modul	Sachverhalt
	depending on the type of claim in question.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	