

Statement of Claim under Kosovo Legislation

PhD (C.) Nehat Idrizi

Judge at the Court of Appeal in Pristina, Kosovo

Abstract

“*Statement of Claim*” represents a topic of special importance for civil proceedings law in the Republic of Kosovo, especially now that this institution is regulated by the provisions of the Law on Contested Procedure (LCP). In this regard, the role of the court (both in the contested and the execution procedure) is emphasized in the implementation of this institution during the procedure of realization of subjective civil rights of the parties in the proceedings, or contesting them by the other party, as well as the implementation of the measures through which statement of claim is provided in the execution procedure. Statement of claim may arise if the claimant makes the existence of his claim or his subjective right credible, and if there is a risk that without the statement of claim or the imposition of the preliminary injunction, respondent (opponent of the statement of claim or the opposing party) would significantly impede or hamper the realization of the claim in various forms. LCP has provided the conditions under which the statement of claim can be made in the contested procedure, the types of measures, the manner of imposing, as well as legal remedies against the decisions by which the proposed measures for statement of claim may be imposed or rejected. The court may impose a preliminary injunction only in the circumstances when the claimant (stating the claim) within the time limit set by the court pays the imposed guarantee amount.

Keywords: claimant (stating the claim), respondent (opponent of the statement of claim), provisional measure, preliminary injunction, guarantee.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 3.0 License](#).

Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law