

Yvon Desdevises

Procédure

Carence des parties :

Jugements par défaut
Jugements réputés contradictoires
Opposition



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L Cohen



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Carence des parties Yvon Desdevises,2003 La proc dure civile a toujours t embarrass e par l attitude des parties s abstenant de compara tre ou de r aliser les diligences leur incombant On y a parfois vu une faute appelant des sanctions voire la perte du proc s l inverse pour le Code de proc dure civile de 1806 le d faillant condemn pouvait critiquer le jugement par une voie de recours qui lui tait largement offerte l opposition Cette solution bienveillante a ouvert la porte des man uvres de retardement que le droit a combattues avant m me le Nouveau Code de proc dure civile D sormais le souci d limiter les proc dures dilatoires tout en assurant le contradictoire s quilibre dans des principes simples l opposition est cantonn e dans des hypoth ses tr s particuli res correspondant une d finition singuli rement restreinte du jugement par d faut Dans la plupart des cas le d faut de comparution des parties tout comme leur carence dans la conduite du proc s donne lieu un jugement r put contradictoire relevant pour l essentiel du r gime des jugements contradictoires Ce livre expose les r gles exprimant ce nouvel quilibre et pr sente les textes et formules permettant d en assurer la mise en uvre dans des situations tr s variables

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