

Developments in the Law in 2015: Civil and Domestic Procedure Law

Shu-Huan Shyuu^{*}

Abstract

Among civil judgments made by Supreme Court in 2015, it makes public interest of administrative jurisdiction disposable, allowing parties to consent to choose civil court for judgment. When one or several creditor-in-common claim debtor to perform the obligation for all creditor-in-common, it is necessary that court elucidates the plaintiff to have the other creditor-in-common refusing to join as co-plaintiff added as co-plaintiff. When the final judgment is decided against Ancestor Worship Guild, successors who are bound by the judgment can't initiate third-party opposition action. These broaden parties' right to choose jurisdictional court, strengthen creditor-in-common's right of relief and exclude unnecessary third-party opposition action. In addition, among family courts' judgments, when there is a consolidation of a civil litigation and a family property litigation, it is required that these two litigation should be connected due to factual relevance, with the consent of both parties, or the court consider it necessary. The claim of restitution of maintenance of the minor child based on unjust enrichment is categorized as family non-litigation matter, which can be adjudicated without oral argument. It still remains controversial whether judicial associate officer can deal with the matter concerning approval of an adoption; however, when adopter died after the petition, the proceeding would be treated differently, not certainly terminated, relying on the necessity of continuing the process. These has broaden the scope of consolidation, but they neither protects adversary right of parties in essentially contentious matters nor takes both the

^{*} Professor of Law, College of Law, National Taiwan University.
E-mail: shyuush@ntu.edu.tw

qualification and the scope of judicial associate officer dealing with matters concerning adoption into serious consideration.

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