

ABOUT THE TERMS OF REVIEW IN CIVIL COURT

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The article investigates the concept of the term of consideration of civil cases in the courts, the definition of its beginning and the end, and also analyzed the grounds and procedure for the expiration of trial, and therefore made proposition to improve the current legislative.

Procedural terms, the term of consideration of civil cases, judicial review, civil proceedings.

One of the main tasks of civil proceedings is the consideration and resolution of cases in time, because a reasonable time considering and deciding cases in courts of law provides the right of persons to a fair defense of their rights and freedoms. There are a number of causes of time spans that were caused problems imperfect legislation and the absence of established court practice, including not exactly defined procedural terms of the case by the court, the start of the expiry of this period and its end , and the grounds of the case first

The current civil procedural law in Part 1, Art. 157 CPC of Ukraine contains a provision that the court must consider civil cases within a reasonable time, but not more than two months from the date of commencement of the proceedings. The correctness of this determination timing hearing causes some observations: first, the moment from which the period begins the trial, and second, a moment to consider the end of the case by the court.

It should be noted that defined in Part 1 of Art. 157 CPC of Ukraine

period is not available stage of the proceedings, despite the fact that this article opens the relevant chapter CPC of Ukraine "trial" as specified period begins to flow from the opening of the proceedings. In this regard, this term should also include the time of the proceedings before the trial, and the period of the trial.

So after receipt of the application to the court and to the opening of the proceedings may take from time to 10 or more days, which is certainly a very negative development of modern civil procedure. In our opinion, the fact that the period running from the date of receipt of the application to the court to open proceedings, not part of the usual period for proceedings under Part 1, Art. 157 CPC of Ukraine, promotes protraction general term consideration and resolution of civil cases in court.

Given the exceptional importance of the correct determination of the start of the expiry of cases the court should consider the feasibility of appropriate amendments to the Civil Procedure Code of Ukraine, which provide that the total duration of the court proceedings begins with the receipt of the application or appeal to the courts, as well as the special cases where the proceedings begins again, particularly in the case of proper entry of the defendant, defendants, third party claiming separate requirements on the subject of the dispute, the assignee.

Since the end of the proceedings in a civil case in court the law is not exactly defined. Thus, in Part 3 Art. 208 CPC proceedings over the adoption of the judgment or decree. However, we believe that the end of the proceedings should be recognized adoption and proclamation of judgment. First, adjudication is part of the last phase of the trial, which combined with the proclamation of such a decision. The proclamation of the judgment is the second part of the final phase of the trial, which is also characterized by a special procedure, the general requirements for which are defined art. 218 CPC of Ukraine and especially by legal requirements to different types of proceedings.