

# Code of Civil Procedure

## Articles 33-39 and 40-41

### Article 33. Jurisdiction of Several Unrelated Cases

1. Claim to several defendants who reside or are located in different places shall be initiated in the court that has the jurisdiction over the place of residence or location of one of the defendants, at the plaintiff's option.
2. Counter-claim, regardless of the jurisdiction, shall be filed to the court adjudicating the initial claim.
3. Civil claim stemming from the criminal offence, which was not filed or decided in the course of criminal offence proceedings, shall be filed as a civil case in accordance with the rules on jurisdiction set forth by this Code.

### Article 34. Agreement on Jurisdiction

1. The parties may change, by mutual agreement in writing, the territorial jurisdiction (venue) for the pertinent case prior to filing the claim to the court.
2. Jurisdiction established in Articles 27, 28, 29 and 32 of this Code may not be changed based on the agreement of the parties.

### Article 35. Transfer of the Case Adjudicated by One Court to Another Court

1. The merits of the case that was accepted to be adjudicated by a court in accordance with the rules determining, shall be decided by such court even where in the course of the proceedings the case fell under the jurisdiction of another court.
2. The court shall transfer the case for the adjudication by another court in the following cases, if:
  - Defendant whose place of residence or location was previously unknown files a petition requesting the case to be transferred to the court having jurisdiction over his/her place of residence or location;
  - Both parties file a petition requesting the adjudication by the court having the jurisdiction over the location of the majority of evidence;
  - Based on the petition of the defendant, it is established that the court has accepted adjudication of the case in violation of the rules applicable to determination of jurisdiction;
  - Because of the recusal of one or several judges or for other reasons, replacement of judges or adjudicating of the case in such a court has become impossible, in which case the transfer of a case shall be performed by the court of the immediately higher instance.
3. In the cases referred to in item 2 of paragraph 2 of this Article the transfer of a civil case from one court to another may not be carried out if a defendant, from the moment of official call to the court, does not challenge the jurisdiction of the case.
4. A decision shall be issued on the matter of case transfer to another court or refusal of case transfer to another court, which may be individually appealed by the persons-parties to the proceedings. Transfer of the case from one court to another shall be carried out upon

the expiration of the time limit for the submission of an appeal against such a decision, and in the case of lodging of an appeal on the decision not to grant the appeal.

5. A case transferred from one court to another shall be adjudicated by the court to which it has been transferred to. Disputes on jurisdiction between the courts of general jurisdiction shall be prohibited.

#### CHAPTER 4. PERSONS PARTICIPATING IN A CASE

##### Article 36. The Structure of Persons Participating in a Case

Persons participating in a case shall be the following: the parties, the third persons, prosecutor, persons requesting the court to protect their rights, liberties and legal interests for

