

2024 Questionnaire of the 2nd Study Commission IAJ

Civil Law and Procedure

Kazakhstan:

1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?

Answer: Yes. In civil proceedings, a written statement to change the basis or subject of the claim, increase or decrease the amount of the claims, may be declared before the end of the preparation of the case for trial or before the removal of the court to the deliberation room in the absence of the need for additional procedural actions (Article 169 of the Civil Procedure Code).

2. Are there time limits for filing written submissions?

Answer: The answer to this question is set out in response to question 1. No specific time limits for filing are provided. The above-mentioned norm limits the filing of written statements to the end of a specific procedural action.

3. Are there limits in terms of a maximum number of additional submissions in a case?

Answer: The legislator does not provide for a quantitative limitation.

4. Are there rules, including penalties or cost implications, for breaches of these requirements?

Answer: Answering this question, it is necessary to cite the provision of article 109, paragraph 2, of the Code of Civil Procedure, which provides that the court has the right attribute all court costs in a case to a person who abuses procedural rights or fails to fulfil procedural obligations, including in the case of the provision of evidence in violation of the time limit established by the court and the procedure for the provision of evidence established by the present Code, without valid reasons, if this has resulted in delaying the trial, obstructing the consideration of the case and the adoption of a lawful and reasonable judicial act.

5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?

Answer: It is difficult to answer unambiguously. In fact, such requirements of the procedural law should not allow the parties from abusing their procedural rights,

properly fulfil procedural obligations, the court to conduct preparation for the trial in full, exclude the delay in the consideration of the case.

6. What is the effect of written submissions on any hearing which subsequently takes place?

Answer: I believe it is favourable, as it allows the case to be considered fully and objectively.

7. Comments or suggestions as to what could otherwise prove to be effective

Answer: In this case, written statements are understood to mean written statements about changing the basis or subject of the claim, about increasing or decreasing the claim, written petitions of persons participating in the case.

There are no suggestions. Civil proceedings are conducted on the basis of the principles provided for in Chapter 2 of the Civil Procedure Code. Establishing a limitation on the number and time limits for filing written applications may limit the rights of persons involved in the case to judicial protection. I believe that this issue is more related to the quality of legal services provided by representatives in court.
