

Marika Rolińska

Uchylenie się od skutków prawnych niezłożenia w terminie oświadczenia o odrzuceniu spadku przez wzgląd na zasady współżycia społecznego. Uchwała Sądu Najwyższego z dnia 15 marca 2018 r., III CZP 110/17

(Rescission of the legal effects of failure to give, in the prescribe time-limit, the statement as to rejection of the inheritance on the grounds the rules of social coexistence. Resolution of the Supreme Court of 15 March 2018 in Case III CZP 110/17)

Unintended failure to keep the time-limit following the failure to declare the rejection of the inheritance and approval of such a declaration by the court despite the expiry of the time-limit is to be understood as the practice of broad application of the clause of the rules of social coexistence embodied in Article 5 of the Civil Code. It is possible to apply with caution the clause determining the rules of the social coexistence, having taken into consideration particular circumstances of the case on the part of the heir, while there is no option to exclude or limit the liability with the use of the measures provided by law.