

99046032058000

File an action with the ordinary court (first instance, regional court)

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<https://fimportal.de/xzufi-services/6001016/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046032058000
Leistungsbezeichnung I	File an action with the ordinary court (first instance, regional court)
Leistungsbezeichnung II	File an action with the ordinary court (first instance, regional court)
Typisierung	10 - Verwaltungsinterne Leistung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 194 bis 218 Bürgerliches Gesetzbuch (BGB) – Verjährung • §§ 23 bis 23b, 71 f., 118, 119, 201 Gerichtsverfassungsgesetz (GVG) – sachliche Gerichtszuständigkeit • §§ 12 bis 37 Zivilprozessordnung (ZPO) – örtliche Gerichtszuständigkeit • § 78 ZPO – Anwaltsprozess • §§ 253 bis 510b ZPO – Verfahren im ersten Rechtszug • §§ 511 bis 541 ZPO – Berufung • Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) • Gerichtskostengesetz (GKG)
Teaser	<p>If you wish to pursue a claim by way of legal action, you must contact the competent court of first instance. For proceedings in civil disputes (e.g. in sales or inheritance law), the local court is generally responsible for disputes with a value in dispute of up to EUR 5,000, and the regional court for disputes with a value in dispute of more than EUR 5,000.</p>
Volltext	<p>If you wish to pursue a claim by way of legal action, you must contact the competent court of first instance. For proceedings in civil disputes (e.g. in sales or inheritance law), the local court is generally responsible for disputes with a value in dispute of up to EUR 5,000, and the regional court for disputes with a value in dispute of more than EUR 5,000.</p> <p>Irrespective of the amount in dispute, the district court deals with disputes at first instance such as</p> <ul style="list-style-type: none"> • Claims for damages due to breaches of official duty by a civil servant or • Claims for damages based on false, misleading or omitted public capital market information

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For some proceedings, the district court always has jurisdiction at first instance regardless of the amount in dispute, such as in

- Family matters or
- Tenancy disputes concerning residential property.

The Higher Regional Court decides at first instance on

- Model proceedings in accordance with the Capital Investor Model Proceedings Act and
- Compensation claims due to overlong court proceedings before the ordinary court or overlong criminal investigations by the public prosecutor's office.

Tip: A more detailed list of the Saxon courts, their tasks and responsibilities can be found on the website of the Saxon State Ministry of Justice.

Erforderliche Unterlagen

according to the case

Voraussetzungen

Legal representation

In proceedings before the Regional Court or the Higher Regional Court, you must be represented by a lawyer.

Kosten

- Advance on court costs
- if you are unsuccessful: generally all costs (amount varies from case to case depending on the amount in dispute)

People with a low income may be entitled to counselling assistance and legal aid.

Verfahrensablauf

Filing the claim

- Instruct a lawyer to draft the statement of claim and submit it to the district court - legal representation is mandatory.
- The court will serve the statement of claim on the defendant with a request to respond within a certain period of time.

Conciliation hearing

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The court may set an early first hearing, which begins with a conciliation hearing. At the conciliation hearing, both parties can describe the case from their point of view. The aim is to reach an amicable agreement (settlement).

Note: The court can also suggest to the parties involved that out-of-court mediation be organised. Alternatively, it can refer the parties to a judge appointed for this purpose who is not authorised to make decisions (arbitrator) in an attempt to reach an amicable settlement. The arbitrator can use all methods of conflict resolution, including mediation.

Negotiation and judgement

If no amicable agreement can be reached, an oral hearing is held. Evidence such as documents and expert opinions may be used and witnesses and experts may be heard.

After the hearing of evidence and further statements by both parties, the judge announces the judgement orally. A separate date can also be set for the announcement of the judgement.

The written judgement with detailed reasons is sent to the parties.

Bearbeitungsdauer

Frist

- Appeal: within one month of notification of the judgement (with a minimum value in dispute of EUR 600.00 and express permission to appeal) The court of appeal is the higher regional court. Limitation period Before taking legal action, you should check whether the claim you wish to assert in court may already be time-barred. The statute of limitations runs for quite different periods of time, depending on the type of claim in question.

weiterführende Informationen

Hinweise

Modul	Sachverhalt
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	