Form No.33-VDS (Issued with Resolution No. 04/2018/NQ-HDTP dated 09 August 2018 of the Council of Judges of the Supreme People’s Court) – Form for the Court – For parties in dispute to reference

|  |  |
| --- | --- |
| **PEOPLE’S COURT OF ..............**(1)**-------** | **SOCIALIST REPUBLIC OF VIETNAMIndependence – Freedom – Happiness---------------** |
| No.: ……../………/QDST-DS(2) | *…………., [date]* |

**DECISION**

**ON NOT RECOGNITION OF SUCCESSFUL OUT-OF-COURT MEDIATION RESULT**

**PEOPLE’S COURT OF ………………………..**

***Participation in solving civil matters includes:***

***Judge – Chairman of the meeting:*** Mr (Ms) .............................................................................

***Secretary of the meeting:*** Mr (Ms)(3) ..........................................................................................

***Representative of People’s Procuracy of ................................ participating in the meeting:***Mr (Ms)………………………….. - Prosecutor.

The meeting to consider the request for recognition of successful out-of-court mediation results, acceptance No. …/…/TLST-DS(4) dated …….[date], is conducted on ………[date] at(5) ………. by Decision to open the meeting No. …/…/QDST-DS dated …….. [date].

 *- The requester for resolving civil matters:(6)..............................................................................*

....................................................................................................................................................

*The lawful representative of requester for resolving civil matters :(7).........................................*

....................................................................................................................................................

*Defender of legitimate rights and interests of requester for resolving civil matters:(8)*

....................................................................................................................................................

*- Persons with relevant interests and duties:(9)......................................................................*

....................................................................................................................................................

*The lawful representative of person with relevant interests and duties:(10).................................*

....................................................................................................................................................

*Defender of legitimate rights and interests of person with relevant interests and duties: (11)*

*....................................................................................................................................................*

**CONTENT OF CIVIL MATTER:(12)**

- ................................................................................................................................................................

..................................................................................................................................................................

- ................................................................................................................................................................

..................................................................................................................................................................

**ASSESSMENT OF THE COURT:**

After examining the documents and evidence contained in records requesting for recognition of successful out-of-Court mediation results to be verified at the meeting; opinions of involved parties and represent*ati*ves of the Procuracy at the meeting, the People's Court ……………… assesses:(13)

[1]...................................................................................................................................................

......................................................................................................................................................

[2]..................................................................................................................................................

......................................................................................................................................................

Pursuant to(14)...............................................................................................................................

**DECISION:**

**Article 1.** The successful out-of-Court mediation results, acceptance No. ..../....../TLST\_DS(15) dated .........[date].........., are not recognized:

**Article 2.** Court fee .......................................................................................................................

**Article 3.** This Decision shall take effect immediately, shall not be appealed and protested according to appellate procedures.

|  |  |
| --- | --- |
| ***To:***- As clause 7 Article 419 Code of Civil Procedure;- Filing, dossier of civil matter. | **JUDGE- CHAIRMAN OF THE MEETING***(Sign, full name, seal)* |

---------------------------------------------------------------------------------

***Instruction to Form No. 33-VDS:***

(1) Enter the name of the Court making decision; in case Courts of rural districts, urban districts, towns, provincial cities, cities under central authority, then the name of the People's Court of the rural districts, urban districts, town, provincial cities, cities under centralauthority shall be clearly stated (e.g. People's Court of Thuong Tin district, Hanoi city); in case Courts of provinces and cities under centralauthority then write name of such Courts of provinces (cities under central authority) (e.g. People’s Court of Ha Nam Province).

(2) The first box contains numbers, the second box contains the year of decision.

(3) Enter the full name and title of the secretary of the meeting.

(4) and (15) Enter number, notation, date, month, year on which accepted the civil matter.

(5) Enter the location of the meeting (e.g. headquarter of the People’s Court of Y Yen district, Nam Dinh province).

 (6) Enter full name and address where the requester resides, works (if any), applicable to requester is an individual; add the date of birth after full name, applicable to requester is the minors; enter name of institution, organization and address of such institution, organization, applicable to requester is an institution, organization.

(7) Enter only when there is a lawful representative of the requester. Enter full name and address where he/she resides, works (if any); specify whether legal representative or authorized representative; in case of legal representative, add note in parentheses the relationship with the requester; authorized representative, add note in parentheses: “written authorization dated .....[date].......".

Example 1: Mr. Nguyen Van A, address, is legal representative of the requester (Director of Thang Loi Limited Liability Company).

Example 2: Ms. Le Thi B, address, is authorized representative of the requester (Written Authorization dated ..........[date]............).

(8) Enter only when there is a defender of legitimate rights and interests of the requester. Enter full name and address where he/she resides, works (if any) (in case of Lawyer, specify Lawyer of which Lawyer Office or Bar Association); in case of there are more than two requesters, specify that he/she protects the legitimate rights and interests for which requester.

(9) Similar to (6).

(10) Similar to (7).

(11) Similar to (8).

(12) Write a summary of the content that the requester requests the Court to resolve.

(13) Write the assessment of the Court and grounds for not recognition. In this section, the paragraphs are numbered in accents [ ].

(14) Specify points, clauses and articles of the Civil Procedure Code and applicable laws (if any) to make the decision.