STUDIA IURIDICA LXVIII

Piotr Nepelski
Regional Chamber of Legal Advisers in Warsaw

SELECTED ISSUES OF THE BURDEN OF PROOF IN POLISH CIVIL PROCEEDINGS

1. THE CONCEPT OF BURDEN OF PROOF

The burden of proof is a basic rule of evidence, with its basis from art. 6 of the Civil Code, according to which: the burden of proving a fact lies with the person who draws legal effects from that fact.

Thereby, the burden of proof indicates the subject of the evidence (facts) and the person who should show these facts.

The burden of proof can be presented as having two meanings:

− formal; as it shows the person who should have the initiative in collecting evidence and establishing statements,

− material; as it shows the person who bears negative consequences if the essential fact to the outcome of the case was not proved in the case[1].

The rule from art. 6 of the Civil Code describes the risk which is posed if some facts are not established. It does not matter why important facts are not established – in principle – the litigant's total passivity is similarly dangerous for the litigant as the lack of effective activity. For example, it is illustrated by a situation when the defendant – no matter how convincing his line of defence would look – does not meet the deadline for a statement of defence, or, meets the deadline but with a formal aberration (e.g. without a signature) in case of which formal error were not completed within the term specified by the court. In that situation, despite the fact that the defendant has enough legal protection in law, due to the committed formal error, the judgment may be unfavourable to the defendant.

For these reasons, despite substantive regulations, the burden of proof raises fundamental consequences in Polish civil proceedings, as the evidence is an institution of procedural law, specifically regulated by it. Primarily, the rule of display applies only to the essential facts to the outcome of the case – other facts cannot be evidence in a case (art. 227 of the Code of Civil Procedure).

[1] Z. Radwański, *Prawo cywilne – cześć ogólna*, Warszawa 2003, p. 62–63.

2. THE SIGNIFICANCE OF THE BURDEN OF PROOF TO THE POLISH CIVIL PROCEEDINGS

According to art. 232 of the Code of Civil Procedure, the litigants are obliged to show the evidence to establish the facts from which legal effects derive. The court may allow the evidence *ex officio.*

The contradictory rule of Polish civil proceedings law, where the obligation of showing the evidence, additionally showing it without delay, is imposed on the litigant (art. 232 first sentence in conjunction with art. 6 paragraph 2 of the Code of Civil Procedure). The evidence showing by the court *ex officio* – although permissible under art. 232 second sentence of the Code of Civil Procedure – may be performed only exceptionally, remaining in the sphere of court rights, but not of the court duties (compare Polish Supreme Court judgment of December 14, 2000, file reference No. I CKN 661/10 and judgment of April 17, 2008, file reference No. I CSK 79/08). Moreover, collection of evidence by the court instead of by the litigant and supporting his or her statement could be recognized as forbidden help and infringement of principle of the equality (compare Polish Supreme Court judgment of March 12, 2010, file reference No. II UK 286/09).

This is supported by the wording of art. 316 paragraph 1 of the Code of Civil Procedure, which sets the basis for the judgment. In the current wording of this Article – introduced in an amendment to the Code of Civil Procedure of March 1, 1996 (Journal of Laws 1996, No. 49, item 189), which entered into force on July 1, 1996 – the court passes a judgment after the end of the trial, taking as a basis the state of affairs existing at the time of closing trial. Until June 30, 1996, for over 31 years (before the original wording, entered into force with the Code of Civil Procedure on January 1, 1965), the court had an extra duty before passing judgment. Namely, in previous status, the court was entitled to close the trial and gave a judgment, only when it considered that "the case is sufficiently clarified to the firm resolve against the disputed". Nowadays, the court is not bound to give judgment if it is "sufficiently clarified", but only after the formal close of the trial which – in accordance with art. 224 paragraph 1 of the Code of Civil Procedure –may happen after taking of evidence and the giving the floor to litigants.

The amendment to the Code of Civil Procedure of March 1, 1996 also abolition art. 3 paragraph 2 of the Code of Civil Procedure, which obliged the court to "examine all essential circumstances and explain real content factual and legal relationship".

Ipso facto, the contradictory rule existing in Polish civil proceedings resigned from objective true for which the court should endeavour, and so how look "true" state of affairs existing at the time of closure trial (compare the Polish Supreme Court order of June 26, 2002, file reference No. III CKN 537/00).

In summary, the implementation of the burden of proof – lying with litigants – decides about the success of the case.

3. THE BURDEN OF PROOF AND THE PRESUMPTION OF FACT

The essence of presumption of fact (*praesumptio facti)* is the recognition of the existing specified fact resulting from the mutual logical connection between other established facts (Appellate Court in Warszawa judgment of April 20, 2016, file reference No. VI ACa 478/15). The basis of the presumption of fact is regulated by the Code of Civil Procedure, which gives a statutory definition of the term in art. 231.

In accordance with art. 231 of the Code of Civil Procedure: the court may decide to establish facts, which are essential to the outcome of the case, if that conclusion may be deduced from other facts.

Presumption of fact does not change the burden of proof in the substantive sense (resulting from art. 6 of the Civil Code) because it only allows establishing disputed fact without evidence proceedings. In that case, statements and evidence require only facts which make up the basis of the presumption of fact. The application of the presumption of fact does not touch negative consequences to the litigant who is obliged to take the evidence if he or she establishes other circumstances justifying establish essential fact to the outcome of the case on the basis of reasoning mentioned in art. 231 of the Code of Civil Procedure (Appellate Court in Katowice judgment of February 3, 2016, file reference No. V ACa 435/15).

The presumption of fact facilitates the court's determination of the factual basis of judgment[2]. To rebut a presumption of fact, a counter-proof is necessary (e.g. Polish Supreme Court judgment of February 5, 2014, file reference No. V CSK 140/13, Appellate Court in Warszawa judgment of December 11, 2015, file reference No. VI ACa 1855/14). The court may use the presumption of essential facts to the outcome of the case only in the event of the absence of direct evidence, or if it's highly obstructed and concurrently it is possible within the rule of logical reasoning and the principles of knowledge and life experience (Polish Supreme Court judgment of May 18, 2012, file reference No. IV CSK 486/11).

4. THE BURDEN OF PROOF AND THE PRESUMPTION OF LAW

Presumption of law (*praesumptio iuris*) is the legal norm which consists of the connection between two kinds of facts, i.e. basis of presumption and conclusion of presumption (presumed fact). This relationship causes the situation that if the court establishes – in accordance with general rules of evidence – fact which

[2] M. Gutowski, *Kodeks cywilny. Tom I. Komentarz. Art. 1−449^{11}*, Warszawa 2016, p. 60.

is the basis of presumption, therefore, the court establishes – without other evidence – the fact of conclusion of presumption[3].

Presumptions of law are divided into two major groups:

− rebuttable presumptions (*praesumptio iuris tantum*), and

− irrebuttable presumptions (*praesumptio iuris ac de iure, praesumptio irrefregabilis*).

Rebuttable presumption is characterized by the fact that the counter-evidence is possible without restrictions. The counter-evidence is restricted in irrebuttable presumption.

Legal doctrine distinguishes also the second, less popular division of presumption of law:

− presumption of law material, and

− presumption of law formal.

Material presumption of law requires recognition of the fact as proved if it results from another fact (premise of presumption). The premise of the presumption should be proven by the person in accordance with art. 6 of the Civil Code. An example of material presumption of law is art. 9 of the Civil Code: when a child is born (premise of presumption) it is presumed that it is born alive (result of presumption).

Formal presumption of law does not require the proving of the premise – it just requires recognition until other side shows counter-evidence[4].

The legal basis of the distinction between rebuttable and irrebuttable presumptions of law is art. 234 the Code of Civil Procedure, according to which the presumption established by the law (presumption of law) binds the court, however, it may be rebutted, whenever the law does not exclude this.

In rebuttable presumption (*praesumptio iuris tantum*) the burden of proof does not lie on that person who has a legal effect of fact, but on the other side (the counter-evidence).

An example of such a presumption is art. 7 of the Civil Code which regulates the presumption of bona fides: if the law makes legal effects contingent upon good or bad faith, good faith is presumed.

A second example could be art. 471 of the Civil Code which applies when the premise of the presumption will be proved (i.e. non-performance or improper performance of an obligation): a debtor is obliged to remedy any damage arising from non-performance or improper performance of an obligation unless the non-performance or improper performance is due to circumstances for which the debtor is not liable. In this case, the burden of proof is transferred to the debtor who may rebut the allegation with counter-evidence if he shows that non-performance or improper performance is due to circumstances for which the debtor is not liable.

[3] Z. Radwański, *Prawo cywilne...*, p. 65.

[4] M. Gutowski, *Kodeks cywilny...*, p. 60−61.

In irrebuttable presumption (*praesumptioiuris ac de* iure) the counter-evidence is excluded. For example in the light of art. 3 paragraph 1of the Act on Land and Mortgage Registers and on Mortgage: It is presumed that the explicit right in the land register is entered in accordance with the actual legal status. And with art. 3 paragraph 2 of the Act on Land and Mortgage Registers and on Mortgage it is presumed that the law abolished does not exist.

5. EVIDENCE RESTRICTIONS

The irrebuttable presumptions are not the only restrictions of the evidence. Other important restrictions are stipulated in art. 246, art. 247, art. 259, art. 278 and art. 299 of the Code of Civil Procedure.

5.1. PROOF OF DOCUMENT RESTRICTIONS

In the light of art. 246 of the Code of Civil Procedure, if the law or agreement requires written form for the act of law, the evidence of witnesses or hearing of litigants in the case between the parties of the act of law, for the fact of its occurrence, is admissible in the case when the document of the act of law has been lost, destroyed or taken by a third party, and – if the written form is stipulated only for the evidence aims – also in the situations stipulated in the Civil Code.

Article 246 of the Code of Civil Procedure describes the relation between evidence of the witness and evidence of the document and is directly linked with the Civil Code which introduces kinds of legal act form:

− to be valid (*ad solemnitatem*), i.e. according to art. 73 paragraph 1 of the Civil Code: if the law stipulates that a legal act be made in writing, an act made without observing the stipulated form is invalid only if the law provides for a nullity clause (art. 73 paragraph 1 of the Civil Code);

− to achieve certain effects (*ad eventum*), i.e. according to art. 72 paragraph 1 of the Civil Code: if the law stipulates that a legal act be made in another specific form, an act made without observing this form is invalid. This, however, does not apply to cases in which the observance of a specific form is stipulated only in order to produce the specified effects of a legal act (art. 73 paragraph 2 of the Civil Code);

− for evidence purposes (*ad probationem*), which is essentially regulated by the art. 74 of the Civil Code, according to which: the stipulation of written form without a nullity clause leads, if the stipulated form is not observed, in litigation, to witness evidence or evidence in the form of declarations of the parties concerning the performance of the act being inadmissible. This provision does not apply

to cases in which written form is stipulated only in order to produce the specified effects of a legal act (art. 74 paragraph 1 of the Civil Code).

However, despite the written form prescribed for evidence purposes not being observed, witness evidence or evidence in the form of declarations of the parties is admissible if both parties consent thereto, if a consumer so demands in a dispute with an entrepreneur or if the fact that the legal act has been performed is substantiated in writing (art. 74 paragraph 2 of the Civil Code).

The provisions on written form stipulated for evidence purposes do not apply to legal acts in relations between entrepreneurs (art. 74 paragraph 3 of the Civil Code).

In order to observe written form for a legal act, it is sufficient to set a handwritten signature to a document containing a declaration of intent (art. 78 paragraph 1 of the Civil Code).

According to art. 247 of the Code of Civil Procedure, the evidence of witness or hearing of litigants against content of document or above content of document which include the act of law is possible between the parties of that act of law only in the event when it does not lead to circumvention of law about the form stipulated to be valid, and if, the court recognize it is necessary as the circumstances of the case.

The fabric of the document is its content. Evidence against the fabric of the document is indented to show that the document conflicts with the declaration of intent made by the person (or persons) signing the document. The evidence against the fabric of the document is indented to show that the content of the document is incomplete because it does not have all elements of the statement really made[5].

Article 247 of the Civil Code does not preclude the evidence of witness and the hearing of litigants for the circumstances not included in the document if this would serve to establish the content of declarations of intent expressed in it, because this proof is not directed against the fabric of document (Polish Supreme Court judgment of April 18, 1998, file reference No. II CKN 724/97). The provision of 247 of the Civil Code does not exclude evidence from witnesses or from the hearing of the parties seeking to interpret a declaration of intent contained in the document, including legal action (Polish Supreme Court judgment of February 19, 2003, file reference No. V CKN 1843/00).

Restrictions on the evidence against the fabric of the document or over the fabric of the document are not valid in separate proceedings of labour law and social insurance (art. 473 paragraph 1 the Code of Civil Procedure). For example, in the judgment of March 26, 2013, file reference No. III UK 93/12, The Supreme Court said: in the proceedings in matters of social insurance – pension scheme

[5] K. Flaga-Gieruszyńska, *Comment to art. 247,* (in:) A. Zieliński (ed.), *Kodeks postępowania cywilnego. Komentarz*, Legalis.

cases – the proof of witness or hearing of the litigants is not restricted. So there is no doubt that the employee or policy holder who applies for benefit of social insurance in proceedings in the court of labour law and social insurance may use any evidence to show circumstances of entitlement to the social insurance – also if the document (e.g. certificate of employment) indicates otherwise.

However, specific character cases of social insurance and its principles, especially reduced procedure formalism, do not mean that the court should take action *ex officio* (allow evidence) without initiative of the litigants (Polish Supreme Court judgment of January 8, 2007, file reference No. I UK 228/06).

It should be added that each person shall be obliged to present, following a court order, within a determined time limit and in a determined location, a document which is in his or her possession and which constitutes a proof of a fact of vital importance for the adjudication of a case, unless that document contains confidential information. The above duty may be avoided if a person is entitled to refuse to testify as witness on the facts covered by a document or if a person holds a document on behalf of a third party who could, for the same reasons, object to the submission of such a document. However, if this is the case, the order to submit a document may not be denied if the holder of that document or a third party is obliged to do the same at least with respect to one of the parties, or if a document was issued in the interest of the party requesting the taking of evidence. Moreover, a party may not refuse to present a document if the loss he would thereby suffer would be the loss of the lawsuit (art. 248 paragraph 1 and 2 of Code of Civil Procedure).

5.2. PROOF OF WITNESS RESTRICTIONS

According to art. 259 of the Code of Civil Procedure, witness may not be:

− persons who are incapable of noting or communicating their observations;

− military personnel and civil servants who have not been released from the obligation to keep secret information labelled as "confidential" or "classified", if their testimony could involve violation of the obligation of confidentiality;

− legal representatives of the respective parties or persons who could be interrogated as parties in their capacity of an authority of a legal person or another organisation with the capacity to be a party to court proceedings;

− joint participants.

Incapable of noting or communicating observations should have actual character and occur at the time of the events which are the subject of the evidence, or, at the time of testimony[6].

[6] M. Sieńko, *Comment to art. 259*, (in:) M. Manowska (ed.), *Kodeks postępowania cywilnego. Komentarz*, Warszawa 2013, s. 476.

Persons who could be interrogated as parties are representative authorities of the legal person, e.g. members of management board in limited liability company and a joint-stock company (in case of legal person), persons appointed to represent the state organisational unit whose operations are involved in the claims pursued or other proposed persons (in case of State Treasury).

Whether a specific person may be heard as a witness or a litigant decides its current status. Hearing of a person as a witness at a time when that person had not status referred to art. 259 point 3 the Code of Civil Procedure does not prevent hearing that person as a litigant after this person obtains this status (Polish Supreme Court judgement of January 30, 2004, file reference No. I CK 129/03).

Hearing as a witness has a consequences in the possibility to use against the person coercive measure referred in to art. 274–276[1] of the Code of Civil Procedure. Moreover, the witness may also bear criminal liability as per art. 233 of the Criminal Code (in the basic type in art. 233 paragraph 1 of the Criminal Code: anyone who, giving testimony to serve as evidence in court proceedings, or any other proceedings conducted on the basis of any law, gives false testimony or conceals the truth is liable to imprisonment for between six months and eight years).

Also:

− the mediator cannot be a witness about the facts which he learned in connection with mediation, unless the litigants release him from the obligation of confidentiality of mediation (art. 259[1] of the Code of Civil Procedure),

− minors under the age of thirteen and descendants of parties below the age of seventeen may not be interrogated as witnesses (art. 430 of the Code of Civil Procedure).

The court should not allow evidence of persons mentioned above. Infringement of that court's duty may be an appellate charge – effective, if it had an impact on the outcome of the case. The appellate court is bound by this charge because proceeding infringement, except for those who – causing the nullity proceedings – are taken into consideration only for litigants charge (Polish Supreme Court resolution of 7 judges – legal principle of January 31, 2008, file reference No. III CZP 49/07).

Moreover, nobody shall have the right to refuse to testify as a witness other than the spouse, ascendants, descendants and siblings of a party or his relatives by affinity in the same line or degree, or persons related to them by adoption. The right to refuse to testify shall expire upon the termination of the marriage or adoption relationship. However, the right to refuse to testify shall not apply to family status cases, with the exception of divorce cases. Moreover, the witness may refuse to answer a question if his or her testimony could expose him or his relatives as referred to in the preceding clause to criminal liability, disgrace or direct and severe financial loss, or if his testimony would involve violation of professional secrecy. A clergyman may refuse to testify as to facts revealed to him in confession (art. 261 paragraph 1 and 2 of the Code of Civil Procedure).

5.3. PROOF OF COURT EXPERT WITNESS RESTRICTIONS

In pursuance of art. 278 paragraph 1 of the Code of Civil Procedure, the court may – after hearing the litigants – appoint an expert witness in cases that require special knowledge.

Special knowledge is connected with separate filed of knowledge, special information, unique, thorough, which someone well known as of the conducted research (studies) of professional activities, carried out with special skill and proficiency. A person with such knowledge is often called as a professional, expert or specialist[7]. To duties and entitlements of the expert witness should not be deciding legal issues. The use and interpretation of the law is for the court, not for the expert witness (Polish Supreme Court judgement of March 4, 1965, file reference No. III CR 795/64).

The proof of expert witness as of the component in the form of special knowledge is that kind of proof, which cannot be replaced by other evidence, e.g. hearing of witness (Polish Supreme Court judgement of November 24, 1999, file reference No. I CKN 223/98). Whether the special knowledge is needed to the outcome of the case is decided by the court (Polish Supreme Court judgment of October 4, 2000, file reference No. III CKN 1238/00).

On the other hand, with the widely accepted principle that the court is the highest expert, it cannot be the conclusion that the court may replace expert witness, and this means that if the essential circumstances of the case need having special knowledge, the court may not do it alone, also if the court has in that field of knowledge suitable professional competence – that competence just help the court to estimate the proof of expert witness (Polish Supreme Court judgement of October 26, 2006, file reference No. I CSK 166/06).

The court, because of the contradictory principle of the proceedings, does not have the duty to carry out the proof of the witness expert its own motion. The court may decide that the circumstances – relevant to the statement of the complainant or defence of the defendant – were not proved with all consequences to the litigants. Charge of the infringement of art. 278 § 1 of the Code of Civil Procedure can be considered sufficient only if the court independently speak on matters required special knowledge, without the evidence of expert witness (compare Polish Supreme Court judgement of October 26, 2006, file reference No. I CSK 166/06 and judgement of June 24, 2015, file reference No. I UK 345/14). Nevertheless, if the litigant files an evidence motion of the expert witness, and special knowledge is necessary to the outcome of the case, then the court's omission of this evidence may be an effective charge of infringement of art. 278 paragraph 1 of the Code of Civil Procedure (Polish Supreme Court judgement of November 29, 2006, file reference No. II CSK 245/06).

[7] A. Marciniak, *Comment to art. 278*, (in:) A. Marciniak, K. Piasecki (eds.), *Kodeks postępowania cywilnego. Tom I. Komentarz do art. 1–366*, Legalis.

Moreover, provisions relating to witnesses, except provisions relating to coercive measure, shall apply to the summoning and interrogating of expert witnesses (art. 289 of the Code of Civil Procedure). This applies in particular to art. 259 of the Code of Civil Procedure.

5.4. PROOF OF HEARING OF LITIGANTS RESTRICTIONS

In accordance with art. 299 of the Code of Civil Procedure: if, having exhausted means of evidence or due to lack thereof, certain facts crucial for the adjudication of a case have not been clarified, the court may, in order to clarify such facts, allow evidence by the hearing of parties.

The proof of hearing of litigants is auxiliary evidence, admissible only if the essential circumstances of the case cannot be explained with other evidence, especially with the evidence of the document or the evidence of the witness. In the event that all essential circumstances of the case are explained not only by the testimony of witness, but also by the documents, the proof of hearing of litigants is unnecessary, and even unacceptable (Polish Supreme Court judgement of August 18, 1982, file reference No. I CR 258/82).

The necessity for the proof of hearing of litigants falls within the free appraisal of evidence, based on the analysis of the collected on evidence material. The evidence of hearing of litigants is not obligatory in civil cases and it is necessary only when there is no possibility of other evidence, or when there is no evidence (Polish Supreme Court judgement of February 18, 2010, file reference No. II CSK 369/09).

In marital cases the proof of hearing of litigants is obligatory. In pursuance of art. 432 of the Code of Civil Procedure: in each case for divorce or legal separation, the court shall order the taking of evidence by interrogation of the parties. In other cases, the court may not refuse to accept such evidence, if brought by a party. Moreover, in marital cases if the respondent recognizes the claims made in the petition and the spouses do not have common minor children, the court may limit evidentiary hearing to interrogating the parties (art. 442 of the Code of Civil Procedure).

If, due to actual or legal reasons, only one party may be heard on the disputed facts, the court decides whether to hear that person or disregard such evidence entirely. The court acts in the same manner if the other party or some of the co-participants fail to appear at the hearing of the parties or refuse to testify (art. 302 paragraph 1 of the Code of Civil Procedure). The court may take evidence from only one litigant, but the condition of that is the situation, when the evidence of second litigant is impossible. Limitation of the evidence of hearing of one litigant, when hearing of the second was possible, is infringement of the principle of equality parties (Polish Supreme Court judgement of February 2,

2002, file reference No. II CKN 672/00). Usually the evidence of hearing of litigant is possible e.g. when the litigant is abroad, as the court in such a situation can use legal assistance. Also, the evidence is usually possible when the litigant is a detainee, because the court may decide to bring the litigant on trial, or, use the indirect hearing, referred to art. 235 paragraph 2 of the Code of Civil Procedure: if the nature of the evidence permits so, the court of trial may order the taking of evidence to be conducted remotely, using technical devices that enable the performance of such an action in that manner.

Article 302 of the Code of Civil Procedure applies of the Code of Civil Procedure is also applies to the martial cases.

SELECTED ISSUES OF THE BURDEN OF PROOF IN POLISH CIVIL PROCEEDINGS

Summary

The burden of proof is a major part of the way in which the litigant in Polish civil procedure goes to favorable judgment for him or her. It may be difficult in certain situations therefore, the lawgiver introduced the presumptions. On the other hand, civil procedure has also evidence obstructions, particularly applied to the evidences named by the Code of Civil Procedure. This article shortly introduces the issue associated with it.

BIBLIOGRAPHY

Flaga-Gieruszyńska K., *Comment to art. 247*, (in:) A. Zieliński (ed.), *Kodeks postępowania cywilnego. Komentarz*, Legalis

Gutowski M., *Kodeks cywilny. Tom I. Komentarz. Art. 1–449[11]*, Warszawa 2016

Marciniak A., *Comment to art. 278*, (in:) A. Marciniak, K. Piasecki (eds.), *Kodeks postępowania cywilnego. Tom I. Komentarz do art. 1–366*, Legalis

Radwański Z., *Prawo cywilne – cześć ogólna*, Warszawa 2003

Sieńko M., *Comment to art. 259*, (in:) M. Manowska (ed.), *Kodeks postępowania cywilnego. Komentarz*, Warszawa 2013

Other

Act of April 23, 1964 the Code Civil, consolidated text of September 17, 2016 (Journal of Laws 2016, item 380)

Act of November 17, 1964 the Code of Civil Procedure, consolidated text of December 17, 2013 (Journal of Laws 2013, item 101)

Act of July 6, 1982 on the Land and Mortgage Registers and on Mortgage, consolidated text of May 18, 2016 (Journal of Laws 2016, item 790)

Act of June 6, 1997 the Criminal Code, consolidated text of July 5, 2016 (Journal of Laws 2016, item 1137)
Appellate Court in Warszawa judgment of December 11, 2015, file reference No. VI ACa 1855/14
Appellate Court in Katowice judgment of February 3, 2016, file reference No. V ACa 435/15
Appellate Court in Warszawa judgment of April 20, 2016, file reference No. VI ACa 478/15
Polish Supreme Court judgement of March 4, 1965, file reference No. III CR 795/64
Polish Supreme Court judgement of August 18, 1982, file reference No. I CR 258/82
Polish Supreme Court judgment of April 18, 1998, file reference No. II CKN 724/97
Polish Supreme Court judgement of November 24, 1999, file reference No. I CKN 223/98
Polish Supreme Court judgment of October 4, 2000, file reference No. III CKN 1238/00
Polish Supreme Court judgment of December 14, 2000, file reference No. I CKN 661/10
Polish Supreme Court judgement of February 2, 2002, file reference No. II CKN 672/00
Polish Supreme Court judgment of June 26, 2002, file reference No. III CKN 537/00
Polish Supreme Court judgment of February 19, 2003, file reference No. V CKN 1843/00
Polish Supreme Court judgement of January 30, 2004, file reference No. I CK 129/03
Polish Supreme Court judgement of October 26, 2006, file reference No. I CSK 166/06
Polish Supreme Court judgement of November 29, 2006, file reference No. II CSK 245/06
Polish Supreme Court judgment of January 8, 2007, file reference No. I UK 228/06
Polish Supreme Court resolution of 7 judges – legal principle of January 31, 2008, file reference No. III CZP 49/07
Polish Supreme Court judgment of April 17, 2008, file reference No. I CSK 79/08
Polish Supreme Court judgement of February 18, 2010, file reference No. II CSK 369/09
Polish Supreme Court judgment of March 12, 2010, file reference No. II UK 286/09
Polish Supreme Court judgment of May 18, 2012, file reference No. IV CSK 486/11
Polish Supreme Court judgment of March 26, 2013, file reference no III UK 93/12
Polish Supreme Court judgment of February 5, 2014, file reference No. V CSK 140/13
Polish Supreme Court judgement of June 24, 2015, file reference No. I UK 345/14

KEYWORDS

evidence, presumption, witness, court, judgment

SŁOWA KLUCZOWE

dowód, domniemanie, świadek, sąd, wyrok