



TIME FRAME TO SETTLE A CIVIL DISPUTE AT A FIRST-INSTANCE COURT, FROM REGULATIONS TO PRACTICE IN VIETNAM

The Legal Summary prepared by BLG contains a brief discussion with tailored practical information for investment and business activities in Vietnam.

This article concentrates on procedure to settle a civil dispute at a first-instance court in Vietnam.

In Vietnam, filing a lawsuit at the people's court (*the "Court"*) is a common way to settle a civil dispute when parties fail to negotiate or reconcile. The most considerable benefit of this method is thanks to the State power. A final decision of the Court must be respected and duly followed. In case the decision is not voluntarily enforced, it will be coerced by the State power (i.e. Civil Enforcement Agency).

Pursuant to the current Civil Procedure Code No. 92/2015/QH13^[1] (*the "Civil Procedure Code"*), it takes the Court around 15 working days to accept a lawsuit^[2]. Within the next 04 – 06 months for civil and marriage-family dispute, or 02 – 03 months for commercial and labor dispute, the appointed judges as well as the involved parties shall prepare for the first-instance trial. At the end of the trial preparation, the judges shall, on case-by-case basis, issue the decision to bring the case for trial. The trial must be carried out in the next month or maybe adjourned for another month in case of just cause^[3]. Shortly, in accordance with the Civil Procedure Code, a first-instance decision can be duly issued within 03 - 08 months from the acceptance date of the petition.

However, in practice, the proceedings at Court often take more time. Upon a lawsuit is submitted, due to workload, most Courts spend 01 - 02 months to take the lawsuit into its consideration before deciding to accept it or not. Besides, for accurate result, the Court may need to collect documents and evidence from several sources, to involve other parties, to summon all parties.... In some cases, the whole process may be impeded when a party, usually the defendant, makes excuses for not attending a meeting or even the trial, causing the Court to re-convene its hearing several times.

It is also noteworthy that the reporting period of the Court runs from 01 October to 30 September of the following year. In September, the Court is busy aggregating information on its work, therefore, petitions submitted between August and September may not be resolved immediately, but usually is pending after the report deadline.

The first-instance procedure shall end with a Court's decision. If not be appealed by the involved parties or protested by the Procuracy within the time limit prescribed by Civil Procedure Code^[4], that decision shall take legal effect.

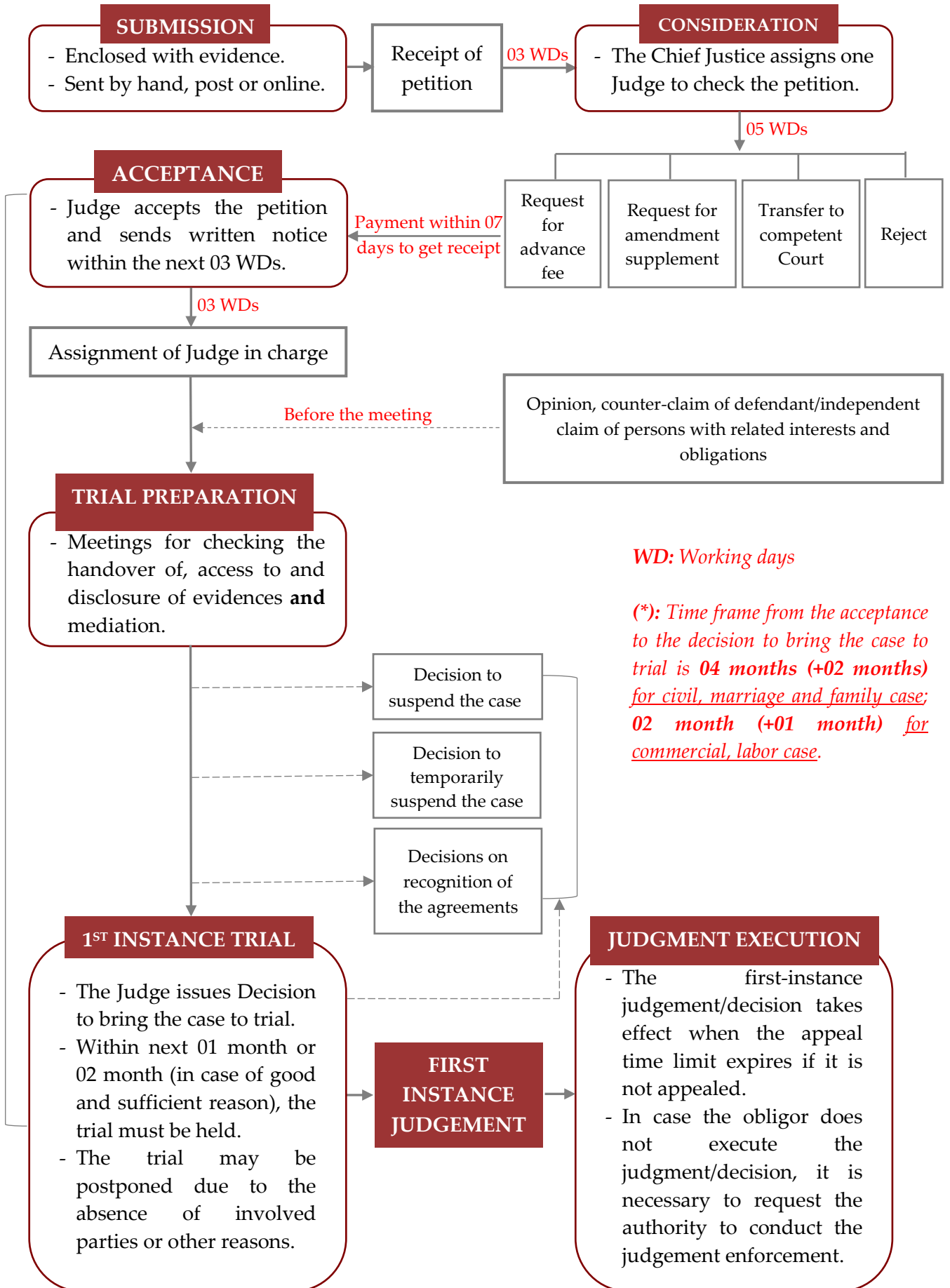
In short, from lawsuit submission to issuance of a court decision, it may take approximately 01 year only at first-instance trial. In complicated case, such time could be longer. The first-instance procedure provided in the Civil Procedure Code is summarized as below:

[1] Please kindly find English version of Civil Procedure Code No. 92/2015/QH13 at <https://thuvienphapluat.vn/van-ban/Thu-tuc-To-tung/Bo-luat-to-tung-dan-su-2015-296861.aspx>

[2] Article 191, 195, 196 of Civil Procedure Code

[3] Article 203 of Civil Procedure Code

[4] Article 273, 280 of Civil Procedure Code



WD: Working days

(*): Time frame from the acceptance to the decision to bring the case to trial is **04 months (+02 months) for civil, marriage and family case; 02 month (+01 month) for commercial, labor case.**

(*)

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