



ISSUES OF JURISDICTION AND VENUE IN CIVIL INHERITANCE CASES AND THE PROCEDURE FOR PREPARING SUCH CASES FOR TRIAL

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Article history:	Abstract:
Received: 7 th March 2026 Accepted: 6 th April 2026	After our country gained independence, a number of laws were adopted to stabilize the economy and to regulate the economic and social spheres legally. Market relations developed in the economy of the republic, and as a result many foreign investors became interested in our country and have been carrying out entrepreneurial activity by making investments. In the future, this affects the way courts resolve issues of jurisdiction and venue in inheritance matters involving such elements of the estate as an investor's share and commercial secrets.
Keywords: Inheritance, testator, heir, determination of shares, statement of claim, subject-matter jurisdiction, venue, disputed legal relationship, civil court, judicial instances, place of opening of inheritance, notary, undisputed legal relationship, preparation for trial, plaintiff, defendant, third parties, witness, expert examination, specialist, entrepreneur, investment, commercial secret, mutual cooperation	

ВОПРОСЫ ПОДВЕДОМСТВЕННОСТЬ И ПОДСУДНОСТЬ И ПОРЯДОК ПОДГОТОВКИ К СУДЕБНОМУ РАЗБИРАТЕЛЬСТВУ ГРАЖДАНСКИХ ДЕЛ СВЯЗАННЫЕ ПО НАСЛЕДСТВЕННЫМ ДЕЛАМ

АННОТАЦИЯ

После обретения независимости нашей страны был принят ряд законов по стабилизации экономики, правовому регулированию экономической и социальной сферы. В экономике республики сложились рыночные отношения, в результате многие иностранные инвесторы проявили интерес к нашей стране и осуществляют предпринимательскую деятельность путем осуществления инвестиций. В дальнейшем это оказывает влияние на решение судов по вопросу о доле инвестора и коммерческой тайне в состав наследственной массы и решение подведомственности, подсудности.

Ключевые слова: наследство, наследодатель, наследник, определение долей, исковое требование, подведомственность, подсудность, спорное правовое отношение, гражданский суд, отрасль судебной власти, место открытое наследования, нотариус, бесспорное правоотношения, подготовка к судебному разбирательству, истец, ответчик, третье лицо, свидетель, экспертиза, эксперт, предприниматель, инвестиции, коммерческая тайна, взаимное сотрудничество.

Civil cases involving inheritance matters, by their nature, belong to the category of complex cases. Civil procedural legislation does not divide civil cases into ordinary and complex categories. However, in judicial practice, some cases are assessed as complex, taking into account the amount of the claims, the substantive legal norm to be applied, the circle of interested persons to be involved in the case, the issues to be resolved during the hearing, the number of plaintiffs and defendants, the need to establish circumstances significant for the case, the appointment of expert examinations, and other factors.

When hearing a case, the court (judge) must first resolve the issue of whether the case falls within the court's jurisdiction. The procedural scholar Sh. Sh. Shorakhmetov emphasized in his books that "subject-matter jurisdiction means that the duty to hear and resolve civil cases is assigned by law to a specific state body or public organization." [1] According to another procedural scholar, M. M. Mamasiddiqov, "jurisdiction is one of the legal conditions giving rise to a person's right to apply to a court; it is one of the fundamental institutions of civil procedural law," and in his book he explains jurisdiction both in a broad and in a narrow sense. [2]



It should be noted that in legal literature the concepts of "subject-matter jurisdiction," "court competence," and "venue" are sometimes used in the same sense. In particular, Chapter 5 of the Civil Procedure Code of the Republic of Uzbekistan uses the concepts of cases falling under the court's jurisdiction and venue. At the same time, these concepts differ from one another, and they should be distinguished. In our opinion, subject-matter jurisdiction means that, based on the nature of the disputed legal relationship, the matter is directly within the competence of a civil court. Once it is established that the disputed legal relationship falls within the jurisdiction of the court, it is also important to determine which court within the court system must hear and resolve that dispute. Therefore, after determining that the matter belongs to the courts, it is necessary to identify which specific court is authorized to hear and resolve it.

Sh. Sh. Shorakhmetov wrote that "venue means the distribution of all cases falling under the courts' jurisdiction among the different levels of the court system. Determining the venue of a case means determining exactly which court is authorized to hear and resolve it." [3] M. M. Mamasiddiqov also recognizes that "the venue of civil cases means the body of civil procedural law norms that determine the distribution of cases falling under the courts' jurisdiction among different courts of the same system, depending on the types of cases and their territorial location." [4]

The issue of subject-matter jurisdiction is reflected in Chapter 5 of the Civil Procedure Code of the Republic of Uzbekistan. According to the requirements of this law, the categories of cases within the jurisdiction of inter-district, district, and city courts in civil matters (Article 28), the courts of the Republic of Karakalpakstan, regional courts, and the Tashkent City Court (Article 29), and the Supreme Court of the Republic of Uzbekistan (Article 30) are закреплены by law.

In judicial practice, disputed inheritance relations are most often heard on the merits at first instance by inter-district courts for civil matters.

When inheritance disputes are heard in court, the issue of venue also occupies an important place. Article 33 of the current Civil Procedure Code of the Republic of Uzbekistan establishes the general rules of venue. Based on the requirements of this law, applications are filed with the court at the place where the defendant permanently resides or permanently engages in activity. Applications against organizations are filed with the court at the place where the organization is state-registered.

In some cases, when courts hear and resolve inheritance disputes on the merits, other aspects of venue are also taken into account. In particular, Article 1117 of the current Civil Code of the Republic of Uzbekistan indicates the place where inheritance is

opened. According to this provision, the last permanent place of residence of the testator is considered the place where the inheritance is opened. If the last place of residence of the testator is unknown, then the place where the immovable property belonging to the testator, or its principal part, is located shall be deemed the place where the inheritance is opened; if there is no immovable property, then the place where the principal part of the movable property is located shall be considered the place where the inheritance is opened. When civil cases arising from inheritance disputes are considered, courts also take this legal requirement into account in determining venue. However, if the inherited property is immovable property, but the deceased's last place of residence is not the place where the immovable property is located, but another place, then the court hearing the case resolves the issue of venue on the basis of Article 35 of the current Civil Procedure Code of the Republic of Uzbekistan. Article 35 of the Civil Procedure Code sets out special cases of venue. According to it, claims brought by the creditors of the testator before the heirs have accepted the inheritance fall within the venue of the court located in the territory where the inherited property, or its principal part, is situated.

In practice, the legal fate of inheritance matters is regulated in two forms. If among the heirs there is no dispute regarding acceptance of the inheritance, determination of shares, and formalization of the inheritance proportionate to those shares, and if there is mutual agreement among them concerning the allocation of shares, then this issue is resolved by a notarial office; if there is a dispute, it is resolved by the court.

It should be emphasized that notarial offices are internationally recognized as bodies regulating undisputed legal relations. Accordingly, under the requirements of the Law "On Notariat," notarial offices perform only undisputed notarial acts in order to protect the rights and lawful interests of individuals and legal entities. However, in some cases disputed legal relations arise on the basis of a performed notarial act. In such cases, a person whose rights have been violated has the right to apply to the court to restore those rights. An interested person applies to the court in the form of an application. In this regard, an application or complaint is a procedural means of applying to the court. In our opinion, consideration of such disputes by courts, in turn, ensures judicial control over notarial activity. As A. Ya. Bugrey and E. B. Tarbagaeva note, "an application submitted in relation to a performed notarial act is considered by the courts as a disputed legal relationship." [5]

Analyzing judicial practice, if we approach inheritance issues from a legal perspective, citizens apply to the court on inheritance matters in two situations. First, the



heirs have accepted the inheritance, but a dispute arises among them when the shares are to be allocated in kind and they cannot reach an agreement. Second, a dispute exists among them even before the inheritance has been accepted.

In the first situation, if the heirs have received a certificate of the right to inheritance by law or by will, but later a dispute arises among them regarding the division and use of the inherited property, then this disputed relationship is considered on the merits by the courts under claim proceedings. In the second situation, if before accepting the inherited property by law or by will the heirs have a dispute among themselves regarding the determination of shares in the inherited property and the proportional allocation of those shares, as well as where other heirs object to a will notarized by the deceased, the court hears the case on the merits based on the claimant's demands.

In judicial practice, plaintiffs also put forward claims seeking to declare invalid the certificate of the right to inheritance by law or by will issued by a notary, and in some cases even the will itself. This type of claim has its own specific procedural order for court consideration. During the preparation of inheritance cases for trial, the judge must carry out a number of procedural actions. In particular, during the preparation stage the judge must first request from the interested person the notarial act considered incorrect by that person, namely, the certificate of the right to inheritance by law or by will, or the notarial act indicated by the plaintiff in the statement of claim. The period for applying to the court under claim proceedings in relation to a performed notarial act begins from the moment when the interested person learned that his or her right had been violated. One of the procedural features to which attention must be paid when hearing this type of case is whether the statement of claim was filed within the period established by law. Even if the limitation period has expired, the court (judge), during the preparation of the case for trial, accepts the statement of claim into proceedings and schedules the case for hearing; in general, an application filed after the expiration of the statutory limitation period is not a ground for refusing to accept it. If, during the consideration of the case on the merits, the court (judge) determines that the missed limitation period is inexcusable, or if the defendant files an application requesting the application of the limitation period, the claim may be denied.

In order to resolve the dispute correctly, the judge may also carry out other actions significant for the case: requesting the notarial act from the notarial office, prohibiting all actions related to the disposal of the disputed property, and, depending on the lawful demands of the interested person, performing other actions as well.

For the purpose of preparing inheritance cases for trial, the court (judge) must request the relevant documents and the evidence confirming the validity of the arguments indicated in the statement of claim. The specific procedural features of resolving such cases in court are expressed in compliance with the norms specified in the Civil Procedure Code of the Republic of Uzbekistan and in the correct application by the judge of the rules of substantive law. Under Article 193 of the CPC of the Republic of Uzbekistan, the judge accepts the application and initiates civil proceedings, and this action is reflected in a ruling. Having issued a ruling on the institution of civil proceedings, the judge prepares the case for hearing; at that time the judge determines the law governing the relationship, the existence of the facts substantiating the claims and objections of the parties, the range of evidence, the composition of persons who may participate in the case, and the issue of the state fee. In accordance with Article 203 of the CPC of the Republic of Uzbekistan, during preparation for hearing the judge questions the parties, clarifies the essence of the plaintiff's claims, checks whether the defendant has objections, suggests that the plaintiff submit additional evidence, summons and questions the defendant, explains the defendant's right to admit the claim or present counterclaims, and determines whether there is a possibility of an amicable settlement between the parties.

However, at present, because inheritance cases in judicial practice are based on property disputes, courts in inheritance cases often appoint an expert examination and, only after determining the true market value of the inherited property, are able to achieve settlement in the process of distributing the estate in proportion to the shares; in many cases the proceedings end with the adoption of a judgment.

On the basis of the actions specified in Article 204 of the CPC of the Republic of Uzbekistan, the judge prepares the case for trial. Accordingly, the judge resolves the issues of involving third parties in the case, participation of representatives, and the prosecutor's participation; requests written and material evidence from organizations or citizens; taking into account the opinions of the persons participating in the case, decides on the appointment of an expert examination and the involvement of a specialist; sends judicial assignments to other courts; and explains to the persons participating in the case their procedural rights and obligations. Cases of this type are heard in open court sessions. During the hearing on the merits, evidence is examined and the statements of the parties, as well as the opinions of experts and specialists, are heard. Pursuant to Article 72 of the CPC of the Republic of Uzbekistan, the burden of proof and submission of evidence lies with the parties. According to the law, each party must prove during the court proceedings the



circumstances on which it relies as the basis for its claims and objections. Evidence is submitted by the parties and by other persons participating in the case. The stage of preparing the case for trial is one of the important factors in the administration of justice by the courts. Preparing civil inheritance cases for trial requires sufficient time from the court (judge). The reason is that shortcomings committed during the preparation stage cannot always be remedied during the hearing on the merits, and as a result such incompletely investigated and uneliminated circumstances may later lead to delays and red tape.

According to Article 202 of the Civil Procedure Code of the Republic of Uzbekistan, preparation of civil cases for trial must be carried out no later than ten days from the day the application is accepted. In exceptional cases, for especially complex matters, this period may be extended to twenty days on the basis of a reasoned ruling of the judge.[6] Other civil cases must be heard no later than one month from the day they have been fully prepared for trial. Disputed legal relations concerning inheritance rights are most often considered by courts under claim proceedings.

A number of instructions on the preparation of civil cases for trial are also given in Resolution No. 26 of the Supreme Court of the Republic of Uzbekistan, dated August 24, 2018, "On Preparing Civil Cases for Trial." [7] During the preparation of civil inheritance cases for trial, the judge must first determine the time when the inheritance was opened, the place where the inheritance was opened, the composition of the estate, the circle of heirs, persons who were dependent on the deceased, whether the will was in force and had not been revoked on the day the inheritance was opened if the inheritance was opened by will, whether there are or are not persons entitled to a compulsory share regardless of the contents of the will, and the circle of persons having a preferential right to inherit.

After our country gained independence, a number of laws were adopted to stabilize the economy and to regulate the economic and social spheres legally. Market relations developed in the economy of our country, and as a result many foreign investors have shown interest in our country and have carried out entrepreneurial activity on the basis of their own funds. This, in turn, also affects inheritance matters.

In such cases, the court (judge) must resolve inheritance matters relating to jointly owned property that has arisen between our country's entrepreneurs and foreign investors conducting activities on the basis of mutual cooperation.

In this regard, the court should become closely acquainted with the requirements of the Law of the Republic of Uzbekistan "On Investments and Investment Activity." [8]

If, during the preparation of the case for hearing, the judge determines that the business activities of certain entrepreneurs are connected with commercial secrets, the judge must clarify this issue by identifying the inheritance object that constitutes a commercial secret and determining which property is included in the estate. In order to resolve the case correctly and lawfully, during the preparation of the case for trial the judge must become closely acquainted with the Law of the Republic of Uzbekistan "On Commercial Secrets" [9] and determine the issue of applying it in the judicial process.

In addition, during the preparation of the case for trial, the judge must carry out certain procedural actions, including deciding the issue of joining co-plaintiffs, co-defendants, and third parties to the case, as well as the issue of replacing an improper defendant; deciding, taking into account the opinions of the persons participating in the case, the issue of summoning witnesses to the court hearing, appointing an expert examination, and involving a specialist; in urgent cases, after notifying the persons participating in the case, carrying out an on-site inspection; where property of co-entrepreneurs located in another territory is identified, sending judicial assignments to other courts; resolving issues of securing the claim and securing evidence; deciding on holding the court hearing by videoconference and explaining to the persons participating in the case their right to participate in such a hearing.

Depending on the circumstances of the case, the judge may also carry out other necessary procedural actions during the preparation of the case for trial. The judge's actions connected with preparing the case for trial are formalized by a ruling without summoning the persons participating in the case. Once the judge finds that the case has been prepared sufficiently, the judge issues a ruling setting the case down for hearing in a court session and notifies the parties and other participants in the proceedings of the time and place of the hearing.

In conclusion, by observing a number of procedural rules and principles during the preparation of a case for hearing on the merits, the court (judge) administers justice.

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