**Vzor**

**Žaloba o zrušenie rozhodcovského rozsudku**

Označenie žalobcu/žalobkyne

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Okresný súd

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PSČ a obec

**Žaloba o zrušenie rozhodcovského rozsudku**

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| **Žalobca/žalobkyňa** | | | | | | | | | | |  |  |  |  | | |  |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | | |  | |  | |  | |  | |  | | | | |
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|  | meno a priezvisko/názov/obchodné meno: | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | |
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|  | dátum narodenia/identifikačné číslo: | | | | |  |  | |  | |  | | |  | | |  | | |  | | |  | | |  | | |  | | |  | | | |  | | |  | | |  | | |  | | |  | | |  | | | | | | |
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|  | štátne občianstvo: | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | |
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|  | | telefonický kontakt: | | | | | | |  |  |  | | |  | |  | |  | |  | |  | |  | |  | |  | |  | | |  |  | |  | |  | |  | | |  | | | |
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|  | | elektronická pošta: | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | | |
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| **Žalovaný/žalovaná** | | | | | | |  |  |  |  | | |  | | | |  |  |  | |  | |  | |  | |  | |  | |  | |  | | |  | |  | |  | |  | |  | | | | |
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|  | meno a priezvisko/názov/obchodné meno: | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | | | |

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|  | dátum narodenia/identifikačné číslo: | | | | |  | | | | | | | |  |  | | | | | | |  | | |  | | |  | | |  | | | |  | | |  | | |  | | |  | | |  | | |  | |  | |  | |  |  |

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|  | telefonický kontakt: | | | | |  | | | | |  |  |  | | | | |  | |  | |  | | |  | |  | |  | |  | |  | | |  | |  | |  | |  |  |  |
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|  | elektronická pošta: | | | | |  | | | | | | | | | | | | | | | | | |  | | | | | | | | | | |

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**Označenie rozhodcovského rozsudku**

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| názov a sídlo stáleho rozhodcovského súdu: | | | |  | | | | | | |  | | | | | | |
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| spisová značka rozhodcovského rozsudku: | | | |  | | | | | | |

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| dátum vydania rozhodcovského rozsudku: | | | | |  | | | | | | | | | | | | | | | |  | | |
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**Dolu podpísaný namietam, že** *(hodiace sa označte písmenom* X*)*

 som nemal spôsobilosť uzavrieť spotrebiteľskú rozhodcovskú zmluvu,

 som nebol riadne upovedomený o ustanovení rozhodcu alebo o spotrebiteľskom rozhodcovskom konaní alebo mi nebolo umožnené sa zúčastniť na spotrebiteľskom rozhodcovskom konaní,

 rozhodcovským rozsudkom sa rozhodol spor, ktorý spotrebiteľská rozhodcovská zmluva nepredvídala alebo sa ním rozhodlo o veci, ktorá je vylúčená zo spotrebiteľského rozhodcovského konania,

 stály rozhodcovský súd nebol ustanovený v súlade so zákonom o spotrebiteľskom rozhodcovskom konaní, v spotrebiteľskom rozhodcovskom konaní sa nepostupovalo v súlade s ustanoveniami zákona o spotrebiteľskom rozhodcovskom konaní a uvedený nedostatok mohol mať vplyv na výsledok sporu,

 spotrebiteľská rozhodcovská zmluva neobsahuje zákonom ustanovené náležitosti podľa   
§ 3 zákona o spotrebiteľskom rozhodcovskom konaní alebo je tu iný dôvod neplatnosti spotrebiteľskej rozhodcovskej zmluvy,

 stály rozhodcovský súd nenariadilústne pojednávanie, hoci som jeho nariadenie navrhoval a z okolností uvedených v návrhu na nariadenie ústneho pojednávania dôvodne vyplývala potreba jeho nariadenia najmä preto, že bez ústneho pojednávania sa nebolo možné vysporiadať s mnou uvedenými návrhmi a tvrdeniami, a toto pochybenie mohlo mať vplyv na výsledok sporu,

 v konaní nebol správne zistený skutkový stav tým, že stály rozhodcovský súd nesprávne vyhodnotil dôkazy, ktoré som predložil, nevykonal mnou navrhované dôkazy alebo mi neumožnil predložiť dôkazy a toto pochybenie mohlo mať vplyv na výsledok sporu,

 vo veci rozhodoval zaujatý rozhodca,

 stály rozhodcovský súd rozhodol v rozpore s ustanoveniami všeobecne záväzných právnych predpisov na ochranu práv spotrebiteľa a toto porušenie mohlo mať vplyv na výsledok sporu,

 rozhodcovský rozsudok ma zaväzuje na plnenie, ktorého povahu považujem za objektívne nemožnú, právom nedovolenú alebo odporujúcu dobrým mravom,

 výkon rozhodcovského rozsudku by bol v rozpore s verejným poriadkom Slovenskej republiky,

 rozhodcovský rozsudok vychádza z nesprávneho právneho posúdenia veci.

**Okolnosti, ktoré potvrdzujú námietky** *(v prípade potreby pridajte ďalší list papiera)*

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**Návrh rozhodnutia súdu (petit)**

Navrhujem, aby súd vydal tento rozsudok:

Súd zrušuje rozhodcovský rozsudok vydaný stálym rozhodcovským súdom

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Žalovaný je povinný nahradiť žalobcovi trovy konania vo výške

do troch dní od právoplatnosti rozsudku.

**Poučenie:** Žaloba sa podáva na okresný súd v obvode Vášho bydliska. Žaloba môže byť poslaná poštou, rozhodujúci je deň jej odoslania. Žaloba musí byť podaná na okresnom súde podľa bydliska spotrebiteľa do troch mesiacov od doručenia rozhodcovského rozsudku alebo do 15 dní od doručenia upovedomenia o začatí exekúcie.

Podanie žaloby o zrušenie rozhodcovského rozsudku nezaručuje úspech v konaní pred súdom. Podaním žaloby sa začne súdny spor, v ktorom súd preskúma dôvody, pre ktoré môže byť rozhodcovský rozsudok zrušený. V prípade zamietnutia žaloby môžete byť zaviazaný aj na náhradu trov súdneho konania. Trovy konania, ktoré je povinný znášať spotrebiteľ, nesmú byť neprimerané a súd trovy proti spotrebiteľovi nemusí priznať.

Máte právo nechať sa zastupovať advokátom alebo treťou osobou, vrátane združenia na ochranu spotrebiteľa. Zoznam združení nájdete na webovom sídle Ministerstva spravodlivosti Slovenskej republiky [www.justice.gov.sk](http://www.justice.gov.sk/) v časti „Komisia na posudzovanie podmienok v spotrebiteľských zmluvách a nekalých obchodných praktík predávajúcich“. V prípade, ak toto právo využijete, priložte k žalobe aj plnomocenstvo so súhlasom zástupcu s plnomocenstvom.

V prílohe priložte kópiu rozhodcovského rozsudku, ktorého zrušenia sa domáhate, ako aj iné listiny, ktoré považujete za dôležité pri rozhodovaní o Vašej žalobe. Súd si môže vyžiadať ďalšie listiny, ak to bude považovať za potrebné.

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| Dátum |  |

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| Podpis |  |