

43-03 P U D T**Waiver of Demand/Request for Trial/Appeal****1. Waiver of Demand/Request for Trial/Appeal**

A trial/appeal system does not have any provision on waiver of a demand/request as specified in Code of Civil Procedure Article 266. A trial/appeal adopts an ex officio principle; therefore, free disposition of a party is not allowed, and waiver does not end a trial/appeal.

A written waiver (abandonment) of a demand/request for a trial/appeal is considered a mere petition and handled as below according to the content of the description.

(1) A demandant (an appellant) found that a proof and allegation of well-known facts by testimony of witness are based on misunderstanding and decided to waive the demand (request). It is admitted that the demandant has no intention of carrying out further examination of witness, and the trial is concluded without an order of advance payment.

(2) When well-known facts are proved by publications, and when a written waiver is filed after an examination of witness on well-known facts is completed, the case is examined based on evidence regardless of a written waiver.

(3) A written waiver is understood as the meaning of withdrawal, and if there is an intension to withdraw, encourage to take a normal procedure of withdrawal. As a result, a written withdrawal is filed with a written consent of the other party, and then a trial (an appeal) is ended.

2. Waiver of a Right of Demand/Appeal for Trial/Appeal

When a written waiver of a right of demand/appeal for trial/appeal, the document shall be handled as a mere petition. Handling of the document is

similar to 1.

(Revised Feb 2015)