

## Third Party Intervention and Third Party Objection in the Iran's Substantive Law

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### ABSTRACT

Respecting the rights of others and avoiding the infringement of the rights of individuals had prompted the legislators to enact articles to interfere the proceedings as the third party intervention and third party objection, in cases where the rights of third parties in the proceedings or after the issuance of the final decision had been disrupted or threatened in procedure Act of public and revolutionary courts in civil affairs. This study that had been prepared as third party intervention and third party objection in the Iran's substantive law, review the claim of the third party intervention and third party objection and their conditions and the order of the proceedings and their interaction in the main dispute.

**KEYWORDS:** Third Party Intervention, Third Party Objections, Iran's Substantive Law, the Main Dispute, the Deadline for Lawsuit.

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### INTRODUCTION

One of the ancillary claims in the proceedings of the main dispute, which will be claimed against the main plaintiffs, is the third party claim that may be from one of the plaintiffs against the person who is not involved in the main dispute or on behalf of other parties. Iranian legislator has adapted this judicial body from the French law. In this article, the third party claim is expressed in two forms of third party intervention and the third party objection. The claim of the third party intervention contains the first part and the second part is the third party objection.

In the first part, the third party intervention in the Iran's substantive Law has been discussed, in which the condition of third party intervention in the claim has been stated as the criterion of being the third person in the main dispute, deadline for lawsuit of the third party intervention, interaction of the claim of third party intervention in the main dispute.

The second part of the article was about the objection of the third party in Iran's substantive Law, which mentioned the objectionable warrants and sentences of the third party, objections of the third party to the judgments of foreign courts and corrected report issued by the courts and their impact on the main dispute. The motivation for choosing the subject of third party intervention and third party objection in the Iran's substantive law as the research subject in this collection is because the mentioned subject is a difficult topic in Civil Procedure, and it was attempted so that they could be expressed in plain and clear language and the users could easily understand these materials and could consider these by reviewing them even for one time.

#### The first part

##### The claim of the third party intervention

Third is one of the ordinal numbers and means the third person except the speaker and the listener. And by the legal aspects, he is not the one who claims and he is not the defendant, and claims. Third party claim is one of the ancillary claims, which can be filed against the main plaintiffs by one of the plaintiffs against the person who is not involved in the main dispute or on behalf of other parties.

Ghahremani [1] believes that: this judicial body in Iran has been adapted from French law. Third party claim in French law is divided to mandatory third party claim and optional third party claim. But Iranian legislator used the term for arresting the third party for mandatory third party claim and the third party intervention for optional third party claim [1].

The difference of third party claims, whether a third party intervention or arresting, is that the third party is claimed in the main proceeding, but the claim of the third party objection is a claim that is considered after the issuance of the final judgment, by a beneficiary third party, against the main plaintiffs.

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Provisions related to claim of the third party intervention in accordance with the Civil Procedure Code is examined in 5 speeches as below:

First Speech: the criterion of being the third person in the main claim

Second Speech: the condition the third party intervention to the claims

Third Speech: The deadline for lawsuit of the third party intervention

Fourth Speech: The proceedings order of the claim of third party intervention

Fifth Speech: Interaction of the claim of third party intervention and the main claim

### **First Speech: the criterion of being the third person in the main claim**

Nemat Ahmadi [2] stated that "the third party intervention is optional, by this explanation that when a third party that has not filed a lawsuit and no one filed a lawsuit against him intervene a dispute, which is between two other parties, and his purpose of this intervention is because in decision on the dispute between the two individuals may abuse and waste his rights".

This subject has been noted in article 130 of the Procedure Act of the General and Revolutionary Courts (Civil Affairs), which stipulates that "If a third party consider rights for himself on the subject of proceedings of the main plaintiffs, or consider himself as one of the beneficiary parties, he can intervene the claim, as long as the hearing is not announced to be end [3]. Whether the proceeding is at the beginning or on appeal, in this case, he must offer his petition to the court where the claim has been raised, and explicitly declare his purpose in it.

Third party in this article is whether a real person or legal entity, because there is no symmetry article that consider the right to intervene the main dispute exclusively to real third party. Although, in this article, the third party is used as singular, but it comes from the spirit of the article that the legislator was the one who could express the right to intervene, and he did not consider this right exclusively for one person. So, the third party or parties will be able to intervene in the main dispute by the mentioned conditions in this article and by raising the claim of third party intervention.

### **Second Speech: the condition of the third party intervention to the claims**

In pleading of the third party intervention, the third party intervener should have all conditions for the lawsuit, the same conditions and with the same features that is required for presenting any claim. So, he should be beneficiary, the benefit that was created and remained rightfully and legitimately, and considered personal and direct. If there was none of these lawsuit conditions, third party would be faced with the opinion that any plaintiff is usually faced with it, which is the rejection of the claim.

In accordance with Article 130 of the Civil Procedure Code adopted by the General and Revolutionary Courts in 2000, the third party will be able to intervene in the claim in one of these two ways.

#### **1. Considering any right for himself, in the subject of main dispute**

Such as when the municipal corporation took the property of (a) in accordance with the rules and regulations of the Municipality and they have filed a lawsuit against each other, and then the person (b) consider the property as his own and intervene the proceedings and ask for the conviction of the municipality and the one who was unjust, in the acceptance of the main claim of the third party intervention, if the conditions for filling the lawsuit exist in the proceedings, but if the terms of the main claim of the third party intervention does not exist, the court should consider the case of the third party intervention individually and by separating it from the main case.

#### **2. He considers himself as one of the rightful beneficiary parties which are known as the subordinated intervention of the third party**

When (a) filled a lawsuit to demand the dispossession, by the claim of the ownership of a property against (b), who seized the property, and he is introduced as a usurper. (c), who has got the easement rights on the property from (b), consider himself as the beneficiary to entitling (b) to his right; he can strengthen the position of (b) by the intervention of the third party in to the claim, so that his easement right would not be endangered subsequently by the conviction of (a) in the claim. In the claim of the subordinated intervention of the third party, the third party would not consider any right for himself. If the condition was existed, the court will consider it in examining the main case, but if there was no condition, the court will issue its rejection, because it is not possible to investigate the claim of the subordinated intervention of the third party separately. To begin the proceedings of the claim of third party intervention by the court requires presenting the petition, this is not only come from the general rule in Article 48 of Civil Procedure, but also it was stipulated in Articles 130 and 131.

According to the Article 131 of the mentioned Act, the petition of the third party intervention and the copy of documents and its annexes must be for each number of the main plaintiffs plus a copy, and should have the conditions of a main petition. Mohajeri [4] stated that: "In accordance with this provision, the only difference between the petition of the third party intervention and the main petition is that the petition of the third party must be for each number of the main plaintiffs plus one copy, while the petition of the main claim should be for

each number of defendants plus one copy." [4]. If arresting the third party has been discussed before raising the claim of third party intervention, it would not be necessary that the number of copies of the petitions of third party intervention to be for both main file and the third party arrestment, because only the main parties had been mentioned in Article 131.

### **Third Speech: The deadline for lawsuit of the third party intervention**

One of the differences of the claim of third-party arrestment and intervention is the deadline that has been set for the presentation of the petitions related to them. Contrary to the third party arrestment claim that its petition must be offered fully to court on the first session of proceedings, or at least each of the parties expressed their opinion about third party arrestment in the first session and submit its petition to the court within three days, there is no such restriction in the claim of third party intervention, because it is assumed that such a person is not aware of the main claim and its first session. On the other hand, it is very difficult to prove the date of his knowledge of the main proceedings. For this reason, Article 130 of Civil Procedure has only stated the last chance that a third party can intervene in the claim, and that's the time when the court had not announced the termination of the hearing in proceedings the main claim.

The time the hearing ended is in fact the latest hearing of the main claim or when the file containing the investigation has been completed and is ready for decision. In some cases, the court announced the termination of the proceedings in the hearing, which is formed by the invitation of the parties, but in other cases, the sentence is carried out in extra time, and it happens when the court has heard the defenses of the parties in the proceedings. According to the defenses, it has been required to attract the expert's opinion or inquire from relevant departments and agencies that by the receipt of the expert's opinion and the inquiry responses, the court would not feel the need to reschedule the proceedings or invite the parties. So, the court attempts to announce the termination of the proceedings and judgment in the extra time [5].

So, it can be said that before the announcement of the termination of proceedings at the mentioned hearing, or at an extra time, the party could present his petition to the main dispute at any time he want to proceed in the court, even if the claim is at the stage of preliminary investigation or objection or appeal. The question that comes to mind in this case is that if a third party became informed of the claim after the preliminary sentencing that can be objected or appealed, how can he intervene in the claim? The answer is that because a lawsuit of third party intervention requires the main dispute to be at the stage of preliminary investigation or objection or appeal, and in case of any question with the sentencing in the preliminary stages, there is no possibility for the third party intervention at this stage. The third party intervention in the claim is necessarily possible in objection or appeal stage, and if the decision is not appealed or is not objected, to achieve the certainty of the mentioned vote, the third party forced to raise the claim of the third party objection for the sentence.

When the claim is in the retrial and appeal stage, there is no possibility for the third party intervention in the claim, because what is done in the retrial stage is the review of the claim that has been processed before and resulted in a final judgment, and in accordance with Article 441 of the Civil Procedure Law, only the two main parties will intervene in the claim. And because the processing of the Supreme Court in the conclusion stage is typically formal, and the third party claim required a substantive process, so, processing such cases in the Supreme Court would not be relevant. But in case of the violation of the appealed vote and sending the case to the court issuing the substantive vote, allowing the third party to intervene this validation that still have not been resulted in sentencing.

If a third party wants to intervene the claim that in the process of trial through arbitration, in accordance with Article 475 of Civil Procedure, he can arbitrate by accession to the main arbitration agreement of the parties, or by attracting their consent to agree on choosing a new arbitrator or arbitrators, otherwise, his claim should be resolved independently and by judicial authorities. In the case of the creditors and debtors' claim of rehabilitating the bankrupted merchant, in accordance with Article 568 of Business Law, even though such creditor has not objected it, he can be intervened the claim. In the Court of Administrative Justice Act, the third party intervention is also accepted in relation to complaints that individuals had from government agencies and public institutions.

### **Fourth Speech: The proceedings order of the claim of third party intervention**

In examining the claim of a third party intervention, several issues should be considered.

According to Article 132 of Civil Procedure, after receiving the petition of third party claim, the proceedings time related to the main claim will be communicated to the third party intervener. If the petition of third party intervention did not have one of the qualifications of the Articles 51 or 52 of the same law, in this case, the director of the Office of the Court should act in accordance with Articles 53, 54, 55, 65 of the mentioned law, and the petition's defects should be eliminated, and if no defects had been eliminated, the official rejection should be issued. If the petition of third party intervention is complete, attempts will be done to notify the third parties intervener about the time of the main claim.

The legislator's stipulation about conveying the time of main hearing to the third party intervener and sending a copy of the petitions of third party intervention for the two main parties suggested that the main claim's decision should also be considered for the third party intervention file, because the petitions of third party intervention will be dealt with the original file. So the office manager will not be allowed to determine an investigation time for the petition of third party intervention, separate from an investigation time for the main claim.

The petition of third party intervention may be received when there is a short time left to the time of the hearing about the original file, and in such a short time, there is no opportunity to submit the second copies and the annexes of the petitions of third party intervention for the main parties as well as the opportunity to deliver the time of the main claim to the third party intervener. In this case the legislator has allowed the investigation time of the main claim to be converted into extended time, so that conveying the time of the main claim to the third party intervention and sending the second copy and the petition's annexes for the third party intervention could be provided for the parties.

If the petition of third party intervention was received when the original case has no time for investigation at the time of monitoring or even its waiting for the time of monitoring to happen, the first part of Article 132 would not be possible to implement, because it was prescribed in this Article that the investigation time of the main case should be communicated to the third party intervention, and this requires the main case to be in turn of investigation time.

Arrangements of the hearing about the intervention of the third party, in each preliminary or appeal stages, is equal to the general rules relating to that stage, so, the main third party intervener will be considered as the plaintiff and all of the rules and effects of the plaintiff will be applied on him. As a result, he might be the ruler or the convict, and in the latter form, according to the general rules, the votes against him could be complained, whenever the third party intervener had been convicted, he can be condemned to compensate the proceedings of the other party. The other party is the one that the vote was issued in his favor, and may be the main plaintiff or the main defendant. If the main third party became the ruler, when the right which was claimed by the plaintiff was announced to belong to him, his hearing losses should be compensated by the main defendant, who had it in his possession.

But the situation of the third party's subordinated intervener is subordinated to the status of a party that had intervened in the claim to strengthen his situation.

So, he cannot complain the vote that was issued against the mentioned party.

Annulment of the petition for any reason or refusing the claim of the third party intervener will not prevent his intervention in the appeal stage.

#### **Fifth Speech: Interaction of the claim of third party intervention and the main claim**

According to the second part of Article 134 of Civil Procedure, proceedings arrangements about the third party intervention, in any appealed or preliminary stages, is equal to the general rules of that stage. Therefore, whether the third party intervenes in the preliminary stage or the appeal stage, its ceremonial proceedings will be different. That is, if he intervenes in the case in preliminary stages, the court dealing with the main case, by setting an investigation time, will invite the main parties of the claim and the plaintiff of the claim of third party. However, if a third party intervenes in the case in the appeal stage, according to the Article 134 related to the Article 346 of Civil Procedure, the petition of the claim of the third party intervention will be sent for the main parties, so that they would respond in 10 days.

According to first part of the Article 134 of Civil Procedure, the rejection or cancellation of the lawsuit or rejection of the claim of third party intervention would not prevent him from intervening in appeal stage. Therefore, if for whatever reason the petition of third party intervention was rejected or annulled, or he personally withdrawn his claim in the preliminary stage, he can present the same lawsuit again in appeal stage. Obviously, the exercise of this right requires that the sentence could be revised in the preliminary stages of the main claim. Otherwise, the third intervener would not have the opportunity to raise his claim again. Reclamation of the main claim by the claimant would not affect the claim of the third party intervention that is presented originally and non-subordinated, and vice versa, reclamation of the main claim would result in the subordinated intervention of the third party.

In the claim of the third party intervention, the plaintiff can have the rights of garnishment by the Article 108 of Civil Procedure, and mutually, the parties of the main claim that the main claim's defendants are the defendants of the claim of third party intervention will be entitled to supply the subject 109 of the same law.

The subordinated intervention of the third party, in addition to pay his own legal fees of the lawsuit, he would not be sentenced to pay for the proceedings, even in the case of the conviction of the person that he had intervened in the claim to strengthen his subject, and if the main party supported by him wins in the lawsuit, the other party would not be responsible to compensate the cost of the proceedings of the subordinated intervention of the third party. But the main third party intervener, according to the general rules relating to claim for damages, would be subject to the provisions contained in Article 519 of Civil Procedure and the next ones.

## **The Second part**

### **Third party objection**

Objection means protestation and to protest. However, in term, the third party objection is the claim of a person that he or his representative (in the broad sense of the word) was not considered as the parties of the claim, but the issued sentence in the claim threatened his interests. In this case, the third party can object the vote. The reason that a third party can object the final decision issued by the court is due to the principle of relativity court judgments' validity.

Ghahremani [1] said that: "France was the origin of this idea, and its related issues in this country had been started since the seventeenth century onwards with the introduction of the theory of the famous French lawyer Proudhon. According to these lawyers, provisions in implementation phase are valid against anyone who is exposed to it, unless he can prove otherwise, and to prove otherwise, it is nothing but raising the claim of the third party objection.

Acceptance of the rule of law in justice system of Iran, in addition to the adaptation of French law, is based on the legal principle of "Argument Absence", and because the third party remains on his proof, the third party objections is due to the definite vote of the court.

Discussion of the third party objection was enacted for the first time in Legal Procedure Law in 1950 in Iran. Third party objection was one of the great ways of complaining the orders and provisions of the court.

In accordance with Article 417 of Civil Procedure, "If a verdict is issued for a claim that prejudice the rights of third parties, and that person or his representative in the proceedings that lead to the vote was not involved as the parties of the claim, he can object that vote.

### **The objectionable appointments of the third party**

There is no clear definition of the appointments in any of the legal texts, but we can say that if the court was not about the nature and related to the proceedings is called appointment.

Some believe that the objectionable appointment of the third party is the same objection under the Articles 146 and 147 of the civil enforcement law, that the third party can complain about the executive operations by relying on the right in the seized property, and avoid the executive operations. While the executive third party objection is not the vote of the court that could be objected by the third party.

But the legislator's purpose of Article 417 of Civil Procedure is the third party objection to the court's final decision, and the sixth branch of the Supreme Court related to No. 918 dated 03.04.23 has accepted the objection of the third party to the vote after the finalization of the sentence of the one that was objected. Executive third party objection is in the competence of a court that the vote runs under its supervision.

While the third objection to the vote is essentially processed in the court that issued the final decision of the one who was objected. Except as third party ancillary objection in the court that is parallel to the issuer court, in this case, the same court that handles the main claim will have jurisdiction to process the objection. And by the first part of Article 147 of the implementation of the civil laws, at all stages, the objection of the third party would be processed without observing the Code of Civil Procedure and paying the costs of the proceedings [6]. However, according to a recent part of the articles 420 and 421 of Civil Procedure, reviewing the third party's objection will be related to the votes in favor of the principles. The point that arises in relation to the third party's objection is that whether every appointment has the ability to be objected or certain categories of appointments are objectionable? Court appointments generally divided into two categories: Numerical and final. Numerical appointments are the appointments that issued and run to investigate the right that was claimed and to prepare the case for adopting the final decision, such as expert's appointments, examination appointments, appointments location of taking an oath, etc. But final appointments are the appointments that by their issuance, the process of the cases would be dismissed or stopped at that point.

Appointments that would create a temporary prohibition for the plaintiff in raising the claim again, and do not has the Affair Dismiss or the Judged Affair and would not interfere with the rights of individuals, and by reopening the case by the plaintiff, the third party can asserted his claim by the third party intervention in the mentioned claim, such as the lack of jurisdiction of the Court, lack of legal capacity, lack of the legal position and the appointments that the Court have issued because of the objections of the Article 84 of Civil Procedure [1].

Appointments that create a permanent prohibition for the plaintiff in raising the claim again, in other words, they have Affair Dismiss are objectionable by the third party, because the rights of the third parties may be disturbed by this prohibition.

Example: person (a) has bought a property from the person (b), but before setting an official document, he had sold a part of it to (c) in a sale contract, person (a) raise a claim to approve the termination, due to the delay of (b) in providing official document regulations, or the failure of (b) to fulfill the obligation related to him. However, before issuing the judgment between the parties, the termination of the common sale contract would be documented as settlement lawsuit. As a result, (a) totally refunded his claim, and the mentioned claims would lead to the issuance of the lawsuit's fall. Here, since the fall of the third party's claim is to have Affair Dismiss, the third party, which is (c) can vindicate his rights only through objection. Here the question arises that is the

court's decision objectionable by third party? In one case, the legislator considers the court's decision objectionable by third party. In accordance with Article 44 of the Constitution of non-litigious matters, those who consider the court's decisions as harmful in non-litigious matters could object it, whether the decision is issued from the first court or the Appeal Court.

### **Third party objection against the judgments of foreign courts**

The judgments of foreign courts that in compliance with foreseen regulations in Article 972 of the Civil Code and Article 169 of civil Law Enforcement, are applicable in the country, after the confirming of the national courts, they will have the credibility of the domestic judgments. Foreign judgments, after the necessary formalities, will turn into domestic judgments. Thus, all the effects and judgments related to the domestic courts would be applied on them, and could be objected by the third party.

### **Third party objection to the corrected reports issued from the courts**

Some lawyers believe that since the issuance of the corrected reports would fully settle the proposed lawsuit, and the report is the basis of the issuing the court's execution, it is considered as the sentence. So, they accept the third party objection relating to it. In contrast, some legal experts believe that the corrected reports lack judicial nature, or because it cannot be considered as sentence or appointment, and the third party's objection would apply solely to the vote, whether it is sentence or appointment, and according to Article 193 of Civil Procedure, since the courts have the authority to set reconciliation processes, they should be considered as official documents. And objection to such documents should be presented in the form of the request for document's annulment. But it seems that the corrected report have absolute judgment like the effects. If the right of the third parties was interfered, it is objectionable by the third party, and this objection should be accepted in the courts.

In accordance with Article 419 of Civil Procedure third party objection is twofold.

1. Main objection: the objection that is first made by the third party.
2. Ancillary objection: it is the objection that one of the parties had expressed to the vote that has already been issued by a court, and the other side had expressed that vote to prove his claims during the proceedings.

### **Proceedings of the third party's main objection**

According to the article 420 of Civil Procedure, the main objection should be resulted from the petition and to the interest of the objected vote of the defendant and the plaintiff. This petition will be presented to the court which has issued the absolute vote for the objected person and it does not require a referral. So, the third party's objection, in terms of financial or non-financial, is subordinated to the claim that the protesters' sentence had been issued in relation to it.

The question that arises is that if the judgement of the preliminary Court had been confirmed in the Court of Appeal, which court will be the body for the examination of the third party's party objection?

According to the Advisory Commission on Civil Procedure of Legal Department at the meeting dated 1984, the Court of Appeal is the body for the examination of the main third party's objection to the judgment of the Court of Appeal, which was set by the confirmation of the preliminary court, because it is out of the competence of the inferior Court, which is the preliminary court, to reconsider the vote of the superior court, which is the appeal court, or possibly cancel it.

### **Proceedings of the third party's ancillary objection**

According to the article 421 of Civil Procedure, ancillary objection in the court of proceedings, comes to action without dedicating a petition. But if the level of the court is lower than the court that issued the vote of the objected person, the objector will present his Petitions to the court that had issued the vote, and it will be processed in compliance with the principles of that court.

Three situations are possible in third party's ancillary objection:

1. The situation in which the proceeding court of the main dispute is at the same level with the court that issued the vote of the objected person (both of the courts are preliminary or both are appeal court).
2. The situation in which the proceeding court of the main dispute has a lower level than the court that issued the vote of the objected person.
3. The situation in which the proceeding court of the main dispute has a higher level than the court that issued the vote of the objected person.

In the first and third situation, the proceeding court of the main dispute will also process the ancillary objection. This type of proceedings does not need to present the petitions, and obliged the court to investigate the mentioned objection, because of the objections of one of the main parties to the vote that the other party had cited.

### **The conditions court proceedings to the third party's objection**

1. Appraiser claim is not generally relevant to the ancillary objection, and subsequently paying the legal fees for this type of third party's objection is excluded.
2. The proceeding court to the main dispute and ancillary objection together issue one vote for both claims, and in the case of ancillary objection, not only the court's decision cannot be reconsidered independently, but also it is subordinated to the vote of main claim.
3. Generally, investigating the main claim is subject to the determination of the claim of ancillary objection. If the proceeding court of the main dispute had a lower level than the court that issued the vote of the objected person, in the implementation of the latter part of Article 423 of Civil Procedure, the cases of pending is the same law of the Article 19, that the proceeding court of the issuance of pending conclusion, will give the deadline of 20 days to the ancillary objector, who refer to the competent court to raise the claim of the ancillary objection. The petition that will be presented to the competent court is subjected to the provisions of the original objection.

### **The impact of the claim of the third party's objection on the main dispute and its effects**

The claim of the third party's objection, whether original or ancillary, has different effects on the main dispute. The ancillary objection of the third party causes the suspension of the main dispute's investigation, and in accordance with Article 423 of Civil Procedure, proceedings of the main dispute will be postponed until the achievement of the results of the third party's ancillary objection.

The claim of the third party's main objection would not have any effect on the administrative process of the vote of objected person, and would not delay the execution of the final judgment, and in the claim of third party's ancillary objection, in addition to the effect of suspended administrative, if the vote is not issued in favor of objector, it won't have the derogation or decision effect on the sentence of the objected person.

### **Third party's objection in appeal court**

Whenever a third party has an objection to the vote that has been appealed, the pleading will not stop his objection. In this case, according to the criteria in Article 434 of Civil Procedure, the petition of the objection of third party must be submitted to the reviewing branch of the Supreme Court, and for the proceeding, the branch of the Court will send it to the court that would issue the final decision. Objection as described above is the main objection of the third party, and that's why it requires submitting a petition. Supreme Court Branch only receives the petition of objection and refers it to the court (the competent of the court which issued the final decision) and it does not have the qualifications to review the formality (the petition) or substantives (claim of the objection).

Whether the objection of the third party in the appeal court is effective in continuing the proceedings in the branch or not? Civil Procedure is not specified, and the unity of the criteria in Article 434 cannot be used in this regard, because, unlike a judicial review that its proceedings requires the acceptance of rehabilitation claim (Article 435), the claim of the third party's objection must be investigated by the assumption of being complete, and it does not require the objection to be accepted at first and then being investigated.

To solve this problem, according to the criteria of Article 423, the branch of Supreme Court should wait for the competent court to comment on the objection of the third party in this regard that whether the decision that was issued on the mentioned objection will have any effect on continuing the appealed proceedings or not?

Since the law does not set a deadline for the comments, the proceedings in the Court may be delayed for an unknown period.

### **Effects of the third party's objection**

1. The suspension effect on the execution of the sentence

According to Article 424 of the Civil Procedure Code, the third party's objection would not delay the execution of the final decision, but if that is not possible to compensate for the losses resulting from execution of the judgment. By the requests of the objecting third party, the proceeding court of the third party's objection, after obtaining the appropriate guarantee, will issue a certain time for the execution's delay. The subject of issuing the time for the delay in executing the judgment is certain. It is true that the court has no illegal prohibition to extend the period of delay in execution of the sentence and could extended it, issuance of a time for the delay in executing a sentence of the claim of the third party's objection is in case that it is not possible to compensate for the losses that resulted from the execution of the sentence. The suspension effect of the ancillary objection of the third party at the hearing is like the main objection of the third party. This question may be raised that if the third party objector was convicted for not having the right of the guarantee that was taken from him, the plaintiff would be directly delivered the main sentence of objected person or not? The law is silent in this regard [5].

2. The transitional effect of the third party's objection

Third party's objection has limited transitional effects, the objectionable vote, in a range that the third party criticized it, will be investigated by its both subject and legal aspect, according to reasons that was expressed by the parties.

#### **The final assignment regarding the claim of the third party's objection**

In accordance with Article 425 of the Civil Procedure Code, if the court, after the proceedings, determines that the objection of the third party is valid, that part of the judgment that was objected will be breached, and if the judgment was unbreakable, it will be all repealed.

#### **Result**

The claims of the third party intervener and the third party's objection are from ancillary claims of in the Public Court Hearing Procedures and a revolution in civil matters, which are the ways that in judicial proceedings, the third party can prevent the violation of his rights by applying them properly. The claims of the third party intervener and the third party's objection have no legal deadline, and the third party intervener should intervene in the lawsuit just before the termination of the hearing. Whether at preliminary stage or appeal stage, the third party, by intervening in the proceedings, can object the sentence that was issued to him and he was not involved in it. The third party intervention and the third party's objection are the only institution for protecting the rights of third parties in our laws, and the courts must processed the issue carefully and without worries and fear that their previous vote will be repealed, and prevent the violation of the human rights and establish the justice.

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