



Proper Settlement Of Housing Disputes Within The Law Serves The Interests Of Citizens

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ABSTRACT

The highlight aims to rely on issues of housing disputes according to the applicable laws. In this case, the court is obliged to determine the legal status of the plaintiff to enter the ranks of persons mentioned in Article 32 Part 2 and 3 of the housing code, or to live in a house on another basis, for what reasons he does not live and other circumstances that have a common sense in order to properly resolve the Accordingly, it is important that the courts determine who accesses the property to family members.

KEYWORDS

Housing, dispute, disputed housing, introduction to the House, eviction, being a house, use of housing, setting the procedure for the use of housing, finding that the use has lost its validity.

INTRODUCTION

At the request of the current law, disputes arising on the issue of housing between the owner, the tenant and their family members will be resolved in a judicial order. Among such

disputes include, in particular, issues related to the introduction into the house, the finding that it has lost its right to housing, the removal from the House.



Although these cases do not fall into the category of complex cases, they constitute a certain part of the cases that are seen by civil courts. When viewing the work in this category, it is important to correctly apply the norms of material and processual law. Therefore, the processual features of their consideration in court are strengthened in the legislation. In this regard, the decision of the plenum of the Supreme Court "on judicial practice in housing disputes was adopted. First of all, when resolving disputes related to housing, the courts must determine whether they belong to a private or public housing fund. Because without clarifying the legal status of housing, it is impossible to apply the norm of material law in this category of work.

Citizens with a house, apartment in their private property have the right, with the consent of adult family members, to transfer other citizens to the settlement, to rent to individuals and legal entities in accordance with the established procedure.

One of the peculiarities of seeing work in this category is that all persons who are under the age of majority living in the disputed home are

recruited accordingly. Therefore, the courts must determine the circle of minors living in the disputed house and take measures to bring them to court. The process of entering the house for residence and the settlement of claims for finding that the person has lost the right to use the dwelling is incredibly responsible.

In this case, the court is obliged to determine the legal status of the plaintiff to enter the ranks of persons mentioned in Article 32 Part 2 and 3 of the housing code, or to live in a house on another basis, for what reasons he does not live and other circumstances that have a common sense in order to properly resolve the Accordingly, it is important that the courts determine who accesses the property to family members.

According to paragraph 5 of the decision of the plenum of the Supreme Court "on judicial practice in housing disputes of May 21, 2004, the property owner's family is recognized as his wife (husband) and their children who live with him permanently.

The couple's parents, their children with a permanent residence with the proprietor, those who are fed up with failure to labor, as well as citizens who live together permanently with the proprietor, can be found as a family member of the proprietor if they are engaged in a common farm with the proprietor and are registered at his place of residence.

Also, when resolving the issue of finding the property owner's wife or husband, children, parents other than family members, it is necessary that the court determine the circumstances that testify to their relationship with the tenant and his family members, whether they have a common economic background, provided assistance to each other and whether there is a family relationship.

In addition, the courts are obliged to determine whether a special claim has expired, which will be the basis for the satisfaction of the claim when viewing claims that they have lost the right to use housing.

Because in accordance with Article 52 of the housing code, citizens permanently residing in the Houses of the municipal, departmental housing fund and clearly targeted communal housing fund, with the tenant, his family members or the lessee, are temporarily absent, the accommodation is kept on his account for a period of six months.

In case of temporary absence, the residence of citizens is maintained for a period of more than six months in the following cases:

When calling for military service – during the entire period of military service on call;

When entering into military service under the contract — during the entire period of military service under the contract;

in connection with the fact that he / she is on a service trip abroad in terms of working conditions and characteristics, or in connection with education, students, doctoral students and others temporarily leave the place of permanent residence — during the entire period of performing this work, being on a service trip or receiving education;

When children are transferred to a children's institution for upbringing, relatives or sponsors, guardians — they are in this institution, relatives or sponsors, during the entire period of care of Guardians. It is dictated to have children left over to live in the dormitory other members of the family.

If the children have not stayed in the out-of-residence for the purpose of living of their family members, this room can be given until the end of the period of stay of the children in the institution, or until the children who have returned from the care of relatives or sponsors, guardians, are under the age of majority.

Also, this accommodation is provided to other citizens on the basis of a lease agreement until the end of study in general secondary, secondary special, vocational and higher education institutions or the completion of military service in the Armed Forces of the country in the following cases:

When the Guardian leaves in connection with the performance of the guardianship duty — during the entire period of performance of these duties;

Treatment for Thrush-when leaving for prophylactic institutions — during the entire period of treatment;

When imprisoned or sentenced to imprisonment or other punishment that

excludes the possibility of living in this dwelling — during the entire period of imprisonment or punishment.

To do this, other members of the family in the dwelling must be left to live. If the specified citizens have not stayed in the place of their departure for the purpose of residence of their family members, such citizens shall be allowed to give this room to other persons on the basis of a lease agreement for a period of time until they are released from prison or have passed the punishment.

The person may be found to have lost the right to use the dwelling as a result of his absence in the house for more than the specified period. This is done through a court on the claim of the interested person. Lasa if the court considers that the person does not live for more than the specified period, as a result of valid reasons, rejects the claim.

However, in practice, sometimes there are also three cases when the courts have allowed the defendant to make appropriate settlement decisions without clarifying why he did not live in the disputed housing.

For example, the court is responsible for the decision of the district governor .In relation to A.Boltaev (where the names were changed), he was satisfied with his claim to finding that he lost the right to use housing. It is based on the fact that the respondent for the satisfaction of the claim is 1 year from the fact that he does not live in a disputed housing.

However, in the first instance, judge did not take into account that when a citizen was called up for military service — the right to use accommodation is preserved, if it is temporarily absent during the entire period of military service on the call. .On the basis of

A.Boltaev's complaint, the appellate court annulled the decision of the First Instance Court and adopted a new resolution on the rejection of the claim.

Therefore, when viewing cases about finding that the courts have lost the right to use housing, it is necessary to pay attention to the cases described in Part 2 of Article 2 of the housing code.

In addition, it is not allowed to find that the owner has lost the right to live in a residential area in relation to him.

It should also be noted that in the housing contract concluded in a notarial manner, if the period of departure from the residential list of sellers and family members is indicated, from the date of expiry of this period, the period is not specified, from the date of conclusion of the contract, they are considered to have lost their right to use.

The controversial situation in this regard is more noticeable in the work on the expulsion of housing. The processes of viewing work in this category also have their own characteristics. In particular, according to the requirement of Article 80 of the housing code, certain categories of citizens residing in service residences can not be transferred without the allocation of other residences. Proceeding from this, the court should determine that such citizens have the privilege specified in this entry

Citizens who have such a privilege can be transferred from service settlements only on account of the fact that they will be transferred to other settlements that meet sanitary, Fire, technical requirements, are within the limits of the same population punk.

The court must verify that the room in which the respondent occupies in the settlement of disputes about the removal of beds has the status of a hostel.

In connection with the position of the service, it will be necessary to determine on what grounds the employment contract was concluded between the plaintiff and the respondent and on what grounds it was terminated. In this case, the courts must provide for the requirements of Article 85 of the housing code.

That is, seasonal-temporary workers who have finished work, those who have entered into a fixed-term employment contract, as well as those who voluntarily or voluntarily quit their jobs due to violation of labor discipline or because of committing a crime, as well as those who have completed their studies in educational institutions, those who have been expelled from the student's.

Persons who have graduated from Labor Relations on other grounds, as well as persons mentioned in Article 80 of the housing code, can be transferred only from dormitories with the allocation of another house that meets the requirements of Article 9 of this code.

CONCLUSION

In conclusion, it should be noted that the appearance of case related to housing disputes in compliance with the norms of material and processual law serves to ensure the rights and interests of citizens.

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