

PYETJE DHE PERGJIGJE NGA E DREJTA E DETYRIMEVE

1.Çfarë kuptoni me termin shuarje e kontrates?

1 .Shuarja e kontratës konsiderohet shuarja e kontratës së plotfuqishme merrvullnetin e palëve kontraktuese për shkak të parapara me ligj.

2.Cilat janë shkaqet që sjellin shuarjen e kontratës?

2 .shkaqet që sjellin shuarjen e kontratës janë të ndryshme. Kontrata shuhet: 1)me marraveshjen e palëve 2)kur zhduket lënda e saj, 3)kur vdes palëkontraktuese, 4)me anulimin e kontratës, 5)dhe mosegzekutimi i kontratës.

3.Kur kemi shuarjen e kontratës sipas vullnetit të palëve?

3 .shuarjen me marraveshjen e palëve, si mequll, është një rast i shuarjes së kontratës në të gjitha kontratat pa marrë parasysh se a janë pjesëmarrës persona Fizikë apo juridikë. Shuarja e kontratës me marraveshjen e palëvekontraktuese gjen shprehje në rastet kur ato nuk dëshirojnë që kontrata tëkrijojnë efekte juridike të cilat i kanë pasur në çastin e krijimit të saj. Palët të pajtohen me vullnetin e tyre që kontrata të zgjidhet.

4.Cilat efekte krijohen me shuarjen e kontrates sipas vullnetit të palëve?

4 .shuarja e kontratës me marraveshjen e palëve kontraktuese krijon efekte juridike, të cilat shprehen në faktin se kontratat e krijuar më nuk krijojnë efekte juridike. Në qoftë se njëra palë nuk e ka përmbushur fare detyrimin e vet të aritur, atëherë atë pjesë deri në çastin e shuarjes së kontratës duhet t'i adrezojë palës tjetër. Në qoftë se kontrata është përmbushur pjesërisht, këtëshuarja ka efekt në të ardhmen(ex nunc) por në disa raste kontrata nuk mund të ketë efekt tjetër përveq efektit në të ardhmen. Këtë rast e kemi nëkontratat me prestim të përhershëm kur nuk është e mundur që zgjidhet këtë efekt retroaktiv(ex tunc) kur ajo ka zgjatur një kohë të caktuar.

5.Çfarë kuptoni me shuarjen e kontratës me zhdukjen e sendit?

5 .shuarja e kontratës kur zhduket lënda e saj është një rast i shuarjes së kontratës që mund të shkaktohet nën ndikimin e fuqisë mëdhe ose të rastit,që shkaktohet pas lidhjes së kontratës meqenëse zhdukja e lëndës sëkontratës shkakton pamundësin e përmbushjes dhe shuarjen e kontratës.

6.Kur pala kontraktuese(debitori) është përgjegjës për zhdukjen e sendit ngamethanat e jashtëzakonshme – vis maior?

6 .në qoftë se shkatërimi i lëndës është bërë me fajin e debitorit, kontrata nuk shuhet. Ajo nuk shuhet nëse debitori me fajin e vet vonohet për dorëzimin e lëndës së kontratës, ndërsa ndërkohë sendi zhduket për shkak të fuqisë mëdhe.

7.Në cilat raste kontrata mund të shuhet me vdekjen e palës kontraktuese dhe cilat efekte krijohen në keto raste?

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Roman Wölfel



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