FROM THE IUSTORIA BLOG

Missed a Court Deadline: What Can Still Be Saved and What Can't

> *A letter left at the post office, an unopened data box, a claim posted on the last day. When a document counts as served, which time limits posting saves and what a court will excuse.*

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4 November 2026 · 8 min read

The most expensive mistakes I have seen in civil disputes did not come from not knowing the law. They came from the calendar. A payment order (*platební rozkaz*) sat at the post office while the addressee was away in the mountains. A message in a data box (*datová schránka*), the state electronic mailbox used for official delivery, went unopened because "nobody reads it anyway". A claim was posted on the last day of the limitation period in the belief that the postmark was enough. In all three cases it was over before anyone noticed.

Time limits occupy a special place in court proceedings: the court does not ask how good your argument was, only whether you made it in time. That is why it pays to know when a document counts as served, what meets a time limit and what can still be saved once it is too late.

Served even if you never opened anything

Data box. A document delivered to a data box is served at the moment a person with access to it logs in. If nobody logs in within 10 days of the day of delivery, the document is deemed served (*fikce doručení*) on the last day of that period (Section 17(3) and (4) of Act No. 300/2008 Coll., on Electronic Acts and Authorised Document Conversion). What counts, then, is the day of delivery, not the day you open the message. If the tenth day falls on a Saturday, Sunday or public holiday, in civil proceedings the end of that period moves to the next working day; that is how the plenum of the Supreme Court read it in its opinion of 5 January 2017, file no. Plsn 1/2015 (paragraph 74).

Post office. If the postal worker does not find the addressee at home, they leave the document at the post office for collection, along with a notice asking the addressee to pick it up (Section 49(2) of the Czech Code of Civil Procedure). If the addressee does not collect it within 10 days of the day it was ready for collection, it is deemed served on the last day of that period, even if the addressee never learned it had been left there (Section 49(4)). Here too, then, it makes no difference when you actually read the letter.

The exception is a payment order. It must be served on the defendant personally, and service by leaving it for collection, with deemed service, is ruled out (Section 173(1) and Section 49(5)). That does not apply to a data box, however: delivery to a data box has the same effects as personal service (Section 17(6) of Act No. 300/2008 Coll.), so a payment order delivered to a data box is served after ten days even if nobody opens it.

Do you have a data box? Companies and self-employed individuals have one by law, and the court serves documents there as a priority. Documents for a company go to the company's own box, and as its managing director you are responsible for making sure someone reads it. As a private individual, you only have one if you set it up yourself or run a business. Ten days of inactivity are enough to start a time limit running that you know nothing about. Turn on notifications of new messages by email or in the app, even if you don't otherwise use the box.

If an excusable reason prevented you from reading the document, you can ask the court to rule that the service was ineffective (*neúčinnost doručení*). The application must be filed within 15 days of the day you read the document or could have read it (Section 50d(1) of the Code of Civil Procedure). The fact that you do not normally stay at the address is not an excusable reason. Do you live somewhere other than your registered permanent address? Have an address for service entered in the population register at your local registration office; the court

serves documents there as a priority (Section 46b). In proceedings that are already under way, it is enough to notify the court of the address. Another option is to set up a data box. Bear in mind, too, that the court will want a specific, documented obstacle, not just a claim that you were away.

Meeting a time limit: the post office counts, but only sometimes

For procedural time limits (*procesní lhůty*) the rule is simple. A time limit is counted from the day after service, and if it ends on a Saturday, Sunday or public holiday, the last day is the next working day (Section 57(1) and (2)). The time limit is met if, on the last day, the step is taken at the court or the filing is handed to a body that has a duty to deliver it (Section 57(3)). For an appeal or a statement of opposition (*odpor*), it is therefore enough to hand the letter in at the post office, meaning the holder of the postal licence, on the last day of the time limit; it does not have to reach the court the same day. Whether the same goes for a courier service is not something I would test on the last day.

With a data box, what counts is the moment the filing is delivered to the court's data box (opinion Plsn 1/2015, paragraph 16). The time limit ends at midnight, and an electronic filing that arrives in the first seconds of the next day is late. That is how the Supreme Court treated an extraordinary appeal (*dovolání*) that arrived by email 47 seconds after midnight (Supreme Court order of 27 February 2018, file no. 23 Cdo 3214/2017).

Substantive time limits (*hmotněprávní lhůty*), however, are a different world, and this is where most mistakes are made. The limitation period is three years (Section 629(1) of the Czech Civil Code), and it stops running if the creditor asserts the right before a public authority, typically by filing a claim, and duly pursues the proceedings (Section 648). But the claim must reach the court by the last day of the period. Handing it in at the post office is not enough.

The Supreme Court has confirmed this repeatedly. In its order of 24 January 2023, file no. 23 Cdo 2093/2022, it held that for limitation periods, meeting the time limit is tied only to the day the claim reaches the court, and that a party cannot rely on the expectation that simply handing a consignment to the post office guarantees a timely filing. In its order of 28 April 2022, file no. 29 ICdo 148/2020, it dealt with a claim handed in at the post office on 6 March and received by the court on 12 March. The case concerned a three-month preclusive period (*prekluzivní lhůta*, one whose expiry extinguishes the right itself) for bringing an action in insolvency proceedings. The period ended on 8 March, and the claim was late, because for a substantive time limit the procedure under Section 57(3) of the Code of Civil Procedure is not enough.

Filing a claim at the end of the limitation period? Send it through a data box or take it in person to the court's filing office. The post office on the last day is not enough.
If a substantive time limit ends on a Saturday, Sunday or public holiday, the last day is the next working day (Section 607 of the Civil Code). Leave yourself a margin all the same.
To stop the limitation period running, even a claim filed with a court that lacks jurisdiction will do, as the Supreme Court recalled in its order of 7 November 2019, file no. 28 Cdo 4151/2018.

I have explained why limitation is the silent claim killer, and how to work out when it starts, in a separate article. The end of a specific time limit can be worked out with the deadline calculator in our guide for people facing debt collection (in Czech). The same calculation can be done by the *lhuta* tool, which the firm offers to AI assistants such as Claude or ChatGPT.

What can be saved: having a missed time limit excused

Have you missed a procedural time limit? The court will excuse it (*prominutí zmeškání lhůty*) if you or your representative missed it for an excusable reason and you were therefore prevented from taking a step you were entitled to take. The application must be filed within 15 days after the obstacle ceases, and the missed step must be taken together with it (Section 58(1)). So it is not enough to write "I apologise, I was in hospital". Within 15 days of being discharged you must file the application to have the time limit excused and, with it, the appeal or statement of opposition you did not manage to file in time. The application on its own does not put anything on hold; you have to ask for it to be given suspensive effect at the same time (Section 58(2)).

A missed time limit for an appeal, for example, can be excused; the court of first instance decides on it (Section 204(3)). The other side cannot appeal against an order excusing the missed time limit (Section 202(1)(c)). For a number of time limits, however, the law expressly rules out excusal. They include the time limit for an extraordinary appeal (Section 240(2)), the time limit for an action against a decision of an administrative authority under Part Five of the Code (Section 247(1)), time limits in the enforcement of decisions (Section 254(2)) and the six-month time limit for an action for damages caused by an interim measure (*předběžné opatření*; Section 77a(2)).

Above all, substantive time limits, meaning limitation and preclusive periods, cannot be excused at all; Section 58 applies only to procedural time limits. The Supreme Court said so expressly in order 29 ICdo 148/2020 with regard to the preclusive time limit for an action. If you let a limitation period run out, no illness or holiday will save you. All you can do is hope the debtor does not raise the limitation defence, and I would not bank on that.

The payment order: fifteen days that decide the case

A payment order requires the defendant to pay within 15 days of service, or to file a statement of opposition within the same period (Section 172(1)). A payment order against which no opposition was filed has the effects of a final judgment (Section 174(1)), and the court will reject an opposition filed late (Section 174(3)). In other words: if you do not respond in time, you have lost the case without the court hearing a single one of your arguments.

The law does not rule out excusing a missed time limit for filing an opposition, so if you have an excusable reason you can try. I would not advise relying on it, though. How to respond to a payment order and what to put in the opposition is covered in our guide to payment orders (in Czech).

At a glance: what meets a time limit and what doesn't

Situation	Procedural time limit (appeal, opposition)	Substantive time limit (limitation, preclusion)
Handed in at the post office on the last day	Enough (Section 57(3) of the Code of Civil Procedure)	Not enough, the claim must reach the court (23 Cdo 2093/2022)
Data box on the last day before midnight	Enough	Enough
Time limit ends on a Saturday, Sunday or public holiday	Moves to the next working day (Section 57(2) of the Code of Civil Procedure)	Moves to the next working day (Section 607 of the Civil Code)
Filing with a different court	As a rule, what counts is when the filing reaches the competent court; but an appeal filed with the appellate court, and an extraordinary appeal filed with the appellate court or the Supreme Court, are in time (Sections 208(2) and 240(2) of the Code of Civil Procedure)	To stop the limitation period running, even a court without jurisdiction will do (28 Cdo 4151/2018)
Excusing a missed time limit	For an excusable reason, application within 15 days, unless the law rules it out (Section 58 of the Code of Civil Procedure)	Not possible (29 ICdo 148/2020)

Have you received a document from a court and don't know when the time limit ends, or whether it may already have ended? Send it to us together with the envelope or the data box delivery note. We will calculate the time limit and tell you what can still be done. We handle disputes as part of our dispute resolution practice. Get in touch.

Conclusion

Service takes place with or without you, the post office saves only procedural time limits, and the court will excuse only a delay caused by a real, documented obstacle. That is why we follow a simple rule at the firm: a claim at the end of a limitation period goes by data box at least a day in advance, and as soon as anything from a court arrives in the box, the time limit is entered in the calendar that same day.

Sources

- Act No. 99/1963 Coll., the Code of Civil Procedure, Sections 49, 50d, 57, 58, 172 to 174, 202, 204, 240 and 247 (as in force on 1 November 2026).
- Act No. 300/2008 Coll., on Electronic Acts and Authorised Document Conversion, Section 17.

- Act No. 89/2012 Coll., the Civil Code, Sections 607, 619, 629 and 648.
- Opinion of the plenum of the Supreme Court of 5 January 2017, file no. Plsn 1/2015.
- Supreme Court order of 27 February 2018, file no. 23 Cdo 3214/2017.
- Supreme Court order of 7 November 2019, file no. 28 Cdo 4151/2018.
- Supreme Court order of 28 April 2022, file no. 29 ICdo 148/2020.
- Supreme Court order of 24 January 2023, file no. 23 Cdo 2093/2022.

This article describes the law as at 4 November 2026. It is for information only and does not replace legal advice on a specific matter. For any particular time limit, what decides is the exact date of service and the type of time limit; if in doubt, have a lawyer calculate it and file with time to spare.

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https://www.iustoria.cz/en/blog/missed-a-court-deadline-what-can-still-be-saved/

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