

عنوان مقاله:

A Legal Justification of the Right of Holder to Refer to Accommodating Party

محل انتشار:

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نویسنده:

.Ahmad Esfandiari - Department of Private Law, Faculty of Humanity, Sari Branch, Islamic Azad University, Sari, Iran

خلاصه مقاله:

Background Unlike some legal systems - which consider the transmission of debt to be independent of the effect of the cause - and even if it proves to be compatible, it recognizes the cause according to some rules of Islamic jurisprudence and the general rules of civil law, Is considered as one of the pillars of any legal action. If the acceptor's acceptance is proved to be accommodating, this acceptance is considered invalid. In negotiable instrument law, in full compliance with the jurisprudential point of view in the relationship between the holder and the Accommodating party, there is a significant deviation from the general rules mentioned, and that whenever it is signed and handed over to the holder, the accommodation of accepting by the acceptor is not hearable. Ethical Considerations Honesty and fidelity in writing the text have been observed. Findings An examination of some jurisprudential institutions in which the Holy Shari'a has introduced persons solely out of sincere trust in the appearance as entitled, such as the principle of authenticity, Yad assumption, apparent agency, and the principle of correctness. They show the obligation contained by accommodated acceptor - which the holder has. In good faith, it does not contradict the jurisprudential rules and general rules of civil law. Conclusion The holder of the negotiable document he has read has accepted, apparently trusting the signature created by the acceptor. Therefore, it has the right to refer to the instrument's signatory, who played an influential role in creating such an appearance, to claim the instrument's amount, regardless of the invalidity .or the absence of a primary relationship

کلمات کلیدی:

Holder, instrument, bill of exchange, appearance, Accommodating Party

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