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CAN A NEIGHBOUR BE A RECIPIENT OF A PROCEDURAL DOCUMENT IN THE JUDICIAL PRACTICE OF THE SERVICE OF DOCUMENTS IN CIVIL CASES IN THE PERSPECTIVE OF THE CODE OF CIVIL PROCEDURE? COMMENTS FOR THE LAW AS IT SHOULD STAND

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Summary. The action of service of documents, as one of the crucial institutions in the process of communication, is to primarily ensure the procedural subject a genuine possibility for being informed on actions taken during civil proceedings by the court and other participants, thereby allowing the actual participation in the creation of the course of proceedings and affect its outcome. In subjective terms, the relationship on which the service is based is, as a rule, tripartite in nature. This arrangement is composed of the following entities: "the active entity," "the serving entity" and "the passive entity" – "addressee of the document," who in cases provided for by special provisions is also substitutable by the "recipient of the document." Currently, pursuant to Art. 138, para. 1 of the Code of Civil Procedure,[1] if the deliverer does not find the addressee at home, he may serve the court paper to an adult household member, or if there is no such person, to the estate manager, caretaker or village mayor, if these persons are not the addressee's opponents in the case and have offered to hand over the document to the addressee. A substitute service of a document may be performed only personally to strictly defined third parties, enumerated in the content of the analysed provision, and in an appropriate order. As a proposal for the law as it should stand, despite the lack of appropriate regulation, the author hereof proposes to consider extending the circle of recipients identified in the procedural law to an additional category of entities – a "neighbour" of the addressee. That entity, as another potential document recipient, due to significant attributes (constant contact with the addressee resulting from keeping neighbourly relations, primarily during the actual use of the apartment, especially during rest) could, through his participation in the delivery in civil matters, guarantee the assumed effectiveness in respect of the action of handing over the document.

Key words: service of document, procedural action, civil procedure, document addressee, document recipient, neighbour, person of legal age

[1] Act of 14 June 1960, the Code of Civil Procedure, Journal of Laws of 2019, item 1460 as amended [henceforth cited as: CCP].

The service of procedural documents constitutes, in all judicial proceedings in general, and in civil proceedings in particular, one of the most important legal institutions in the process of communication between the parties involved in proceedings and between them and the hearing authority, and is a prerequisite for the efficiency and promptness with which a particular case can be resolved [Resich 2005, 289]. The institution of service of documents in civil proceedings is, in particular, a reflection of the constitutional right to a fair trial and it directly affects the effectiveness of civil proceedings through the implementation of the principle of concentration of procedural material, and also guarantees the exercise of procedural rights of parties to civil proceedings. It is primarily intended to ensure that the entity taking part in the proceedings has a real opportunity to obtain information on actions taken in the course of civil proceedings by the court hearing the case and other participants, and thus to enable actual participation in the creation of the course of proceedings and influence its outcome. It is an important means of achieving the goal of a fair and correct resolution of a civil case.

In subjective terms, the relationship on which the service is based is, as a rule, tripartite in nature as this arrangement is composed of the following entities: the "active entity," i.e. an entity which initiates the act of service and at the same time defines the addressee of the document to be served (usually a party to a trial or a participant in a non-trial proceeding), the "serving entity," treated collectively as: the "serving authority" understood as a competent procedural body instructing the documents to be served, and "serving body" (a postal operator, bailiff, court staff member, court delivery service, consul, advocate, attorney-at-law, patent attorney, treasury solicitors of the General Counsel to the Republic of Poland), and the "passive entity" or "addressee of the document," who in cases provided for by special provisions is also substitutable by the "recipient of the document."

It is worth noting that in cases specified in special provisions, there may be a situation where the entity initiating the act of service is at the same time the serving entity (serving authority or serving body). Such a situation occurs when in the model presented the active entity is a competent procedural body which orders the service, which is applicable to the service of court papers, and when the party to the proceedings represented by a qualified legal representative for litigation has such a status in the course of civil proceedings, provided that the addressee is also a procedural opponent represented by such a legal representative for litigation: an advocate, attorney-at-law, patent attorney, or a treasury solicitor of the General Counsel to the Republic of Poland – which is applicable to the service of authentic copies of procedural documents together with attachments (with the exception of documents listed by enumeration in Art. 132, para. 11 CCP).

In the literature, the collective term of "service target entities" is used to refer to the entities to which letters are being sent in the course of proceedings pursuant to the provisions of the procedural legislation [Matan 1998, 56; Demendecki 2015, 211; Wolwiak 2015, 105]. A characteristic feature of this group of entities is that the service is legally effective only when made to them (it produces legal effects related to the service of a given document, even if it is a substitute service). However, it is true that this group should not include those who actually received the document (collecting entities), unless they are, of course, also the addressee of the document being served [Kołakowski 2006, 592; Matan 1998, 56; Michalska–Marciniak 2016, 570; Weitz 2016, 736].

In the presented subjective relationship, as a general rule, the addressee of the court papers and pleadings is a party to the trial or participant in non-trial proceedings or another entity with equivalent procedural status or a representative of the party to which the documents is addressed. Moreover, the documents served may also be addressed in the course of civil proceedings to other entities, both those involved and third parties, as well as entities notified of the proceedings pending or those summoned to participate therein. The status of recipient of the document being served may therefore be obtained by any legal subject, whether it actually has the status of procedural entity or takes an active part in such proceedings, provided that he has been identified in such a capacity by the entity initiating the action of service. Furthermore, where the legislation so provides, an appropriate procedural body or a body acting together with the hearing body in the course of civil proceedings may also play this role in the process of administering justice. The specification of the document addressee constitutes the exercise of the power of the active entity to determine the other party of the action of service, provided that the active entity is a participant in the proceedings in whose interest the service is to be carried out, or the exercise of the statutory duty, if the specification of the person of the addressee is carried out by the relevant procedural body, either based on its autonomous competence, or following an external impulse: a relevant application from the person interested in the service of the document. At the same time, such power remains correlated undirectionally with the obligation of the entity specified as the addressee of the document being served to appear in that role, regardless of whether the determination of this entity in such a capacity was correct or not. Obtaining the status of recipient of a document served is also independent of the will of the specific entity indicated as having that capacity.

Of course, the above findings do not provide any answer to the question to what extent individual service target entities have the right to be the addressee of the document served in a specific civil proceeding. That right may be defined as a specific "service capacity," regarded as procedural right of a passive

nature, to receive with legal effect a document directly or through another entity; in the latter case using the formula of substitute service.[2] The correlate of this right is the obligation of the competent procedural body to order the service of the procedural document to an entity equipped with a "service capacity," as provided for in the procedural law. Directing the document to another entity or violating statutory rules of document service causes it to be ineffective.

The term "addressee of the document" must be clearly distinguished from the concept of "recipient of the document," meaning the entity which actually receives the court paper or pleading in question, usually on behalf of and for the addressee of the letter. The legislature itself, in the current legislation, clearly separates the concepts in question,[3] which, assuming its rationality in the use of different legal phrases, should lead to the conclusion that they are not, as a rule, semantically the same terms [Kołakowski 2006, 592; Michalska-Marciniak 2016, 570]. However, the subjective overlapping between the addressee and the recipient of the document cannot be ruled out *a priori*. The concept of document recipient is, by definition, a collective and heterogeneous term. In the whole group of entities referred to by that name, it is possible to distinguish those from which the legislature does not require specific qualities forming a necessary condition for the admissibility of the independent receipt of procedural documents (i.e. being at the same time the actual recipient of the document in question), in the cases specified in the statute, where the legislature permits substitute service or explicitly rules out direct service (where the addressee of the document does not have capacity to perform actions in court proceedings), being at the same time addressee and the actual recipient of a particular document from which the legislature requires at least limited capacity to perform actions in court proceedings.

[2] Such "capacity" must be distinguished from the right to actually receive the document as part of the action of document service. The right of actual receipt of the document may be made dependent with regard to an addressee who is a natural person on having at least a limited capacity to perform actions in court proceedings and, in the case of other addressees, to have the appropriate representation in the form of the competent authority entitled to represent the party before the court or an employee authorised to receive documents (cf. in particular Art. 133, para. 1–2 CCP).

[3] Cf. in particular Art. 132, para. 2; Art. 135, para. 1; Art. 138, para. 1; Art. 139, para. 2; Art. 472, para. 2; Art. 1160, para. 1–3; Art. 142, para. 1 CCP. Moreover, apart from these terms, the legislature uses in the Code regulation also the notion of "recipient" which may be applied to the entity who actually receives the procedural document. Cf. Art. 1134; Art. 11351, para. 2 CCP. The distinctiveness between the notions of addressee and entity receiving the document is also suggested by the regulations contained in the Act of 23 November 2012, the Postal Law, Journal of Laws of 2018, item 2188 as amended [henceforth cited as: PL], in particular Art. 3, para. 4, in which the legislature, defining the term of "delivery," points to the admissibility of performing this activity not only to the addressee himself but also to another person in cases defined by the law. Cf. also the definition of "addressee" set out in Art. 3, para. 2 PL.

An entity who acts a recipient of a served document, due to the nature of the real element in the course of the service, which is the handing out of the document in the case of a model of "traditional" method of service, must be a natural person,[4] equipped at least to a limited extent with the capacity to perform actions in court proceedings. The requirement for the receiving entity of having a specific attribute in the form of the capacity to perform actions in court proceedings at least to a limited extent, undoubtedly is related to the fact that the action of service is a type of procedural action for the performance of which the aforementioned attribute is needed. Furthermore, the receiving entity must be aware of the fact of service and the significance of the legal and procedural effects resulting from that act must be manifested in his/her obligation to forward the letter to its addressee, verbalised in the presence of the deliverer, on which the fiction of service is based, despite the simultaneous absence of negative consequences of not handing over the document to the addressee.

The following entities can be considered the group of recipients of a procedural document: statutory representative of a party, advocate, attorney-at-law, patent attorney, treasury solicitor of the General Counsel to the Republic of Poland, another legal representative for litigation, a person authorised to receive court documents, an adult household member, estate manager, house caretaker, village mayor, and at the addressee's place of work also a person authorised to receive documents, a keeper, and in the case of an addressee who is a soldier in compulsory military service or officer of the Police and Prison Service – a body which is directly superior, and in the case of an addressee deprived of liberty – the management of a relevant penal institution or detention centre, or in the case of an addressee which a legal person or an organisation without legal personality – the body authorised to represent the aforementioned entities in court or an employee authorised to receive mailings.

It should be noted that the occurrence of a given entity in the process of service as a recipient of a document depends solely on the relevant disposition of the serving authority in this respect, as a rule if the substitute service becomes necessary. As a general rule, a court paper is served to the addressee indicated in the mailing containing the paper (proper service) and to another addressee (substitute service) only if a special provision so provides. In particular, service on the addressee by an adult household member, house administration, housekeeper or mayor may not be used if the dispatching court has placed on the address page of the document a text excluding such method of service at all or in relation to designated persons.[5]

[4] Unlike the addressee who may be any subject of law, regardless of the legal and organisational form it operates in legal transactions, or a body, including the hearing body, acting based on a requisition request.

[5] Ordinance of the Minister of Justice of 12 October 2010 on the detailed procedure and method

Pursuant to Art. 138, para. 1 CCP, if the deliverer does not find the addressee at home, he may serve the court paper to an adult household member, or if there is no such person, to the estate manager, caretaker or village mayor, if these persons are not the addressee's opponents in the case and have offered to hand over the document to the addressee. A substitute service of a document may be performed only personally to strictly defined third parties, enumerated in the content of the analysed provision, and in an appropriate order. Of course, this group is limited, as a rule, only to natural persons. The list of persons and bodies authorised to receive a document intended for the addressee is exhaustive, which excludes the possibility of service of the document to another entity, apart from those indicated in the regulation in question [Jędrzejewska and Weitz 2009, 434].[6] Since Art. 138 CCP defining the permitted cases of substitute service to persons other than the addressee of the document constitutes an exception to the rule, it should not be subject to an extended interpretation.[7] It also seems that the order in which the entities to whom the service may be performed are listed in the provision has legal significance. The use of the term "and if he is absent" indicates the existence of a specific internal gradation in the regulation in question, and at the same time a logical gradation. The assumption is that that the service must be first and foremost made to persons most closely related to the addressee. Moreover, the use of the conjunction "or" in the further content of the provision could suggest the existence of the deliverer's right to choose the recipient of the document. However, such a thesis is contradicted by the more detailed characteristics of individual entities entitled to receive documents, and in particular by determining their separate spatial areas of activity (urban and rural). The guarantory character of the regulation supports rather the thesis that it is necessary to strictly observe the order defined by the legislature (first of all, the service to the hands of an adult household member, and in his/her absence to the estate manager, caretaker or village mayor). The deliverer's compliance with the established order is a guarantee not only of the mere handing over of the document to the addressee by the recipient, but also of its performance at the appropriate place and time to ensure the addressee's protection of his full procedural rights in civil proceedings.

of service of court papers in civil proceedings, Journal of Laws of 2015, item 1222 as amended, para. 3, item 2.

[6] Appointing a legal representative for litigation or a person authorised to receive procedural documents makes these persons as exclusively authorised to receive documents. As it is noted in judicial practice, the substitute service provided for in Art. 138, para. 1 CCP is admissible also in the case of appointing a person authorised to receive court papers. See, among others, decision of the Supreme Court of 15 September 2004, III CZ 64/04, OSNC 2005, no. 7–8, item 142; judgement of the Supreme Court of 16 March 2018, IV CSK 113/17, LEX no. 2500413.

[7] Decision of the Appellate Court in Lublin of 12 January 1994, I ACz 13/94, OSA 1994, vol. 7–8, item 35.

It should be noted that the circle of entities entitled to receive the document on behalf of the addressee is broad; not only does it cover people related more closely to the addressee, classified as household members, but also other third parties. The selection within the latter group of entities entitled to receive the document as a substitute addressee does not seem entirely random. They are entities which should have a constant and direct contact with the addressee, in view of undertaking, in the area respective to the location of the immovable property inhabited by the addressee of the document, certain administrative activities as part of their duties assigned to the function being performed. Each entity, listed in Art. 138, para. 1 CCP as a potential recipient of a document as part of substitute service, cannot be the addressee's procedural opponent in the proceedings to which the service relates and, moreover, promise the deliverer to hand over the document to the addressee.[8] Furthermore, despite the lack of a clear provision in the content of the Code regulation, it should be assumed that they are also bound by the requirement of adulthood, likewise the addressee's household member, since they should be aware of the significance of the act of service. It is the court that should examine in the course of the proceedings whether the papers were delivered to the right person and cannot, in that regard, rely in this respect only on the findings made by the deliverer. This issue cannot be left for the assessment of the deliverer, primarily because of his/her ignorance as to the procedural roles of individual entities involved in the act of service. A clear statement by a third party that he or she is unable or does not wish to forward the document to the addressee must result in withdrawal from using that method of service.

A service to other persons than those referred to in Art. 138, para. 1 CCP cannot be considered effective.[9]

As a proposal for the law as it should stand, despite the lack of appropriate regulation, it would be necessary to consider extending the circle of recipients identified in the procedural law to an additional category of entities – a "neighbour" of the addressee. Moreover, such a solution is not entirely alien to Polish civil procedural legislation. It was provided for by the pre-war Code of Civil Procedure (Art. 151, para. 1).[10] The current Code of Civil Procedure does not provide for such an option, stressing that it does not guarantee the

[8] Judgement of the Supreme Court of 17 February 1999, II CKU 9/98, LEX no. 1213020.

[9] Decision of the Supreme Court of 2 February 2007, IV CZ 124/06, LEX no. 274201.

[10] Civil Procedure Code – made up of the combination of decrees of the President of the Republic of Poland: of 29 November 1930, the Civil Procedure Code, Journal of Laws of the Republic of Poland No. 83, item 651 and of 27 October 1932, the Law on judicial enforcement procedure, Journal of Laws of the Republic of Poland No. 93, item 803, promulgated as a consolidated text in the communication of the Minister of Justice of 25 August 1950, Journal of Laws of the Republic of Poland No. 43, item 394 as amended; repealed by Art. III of the Act of 17 November 1964, the Introductory provisions for the Code of Civil Procedure, Journal of Laws, No. 43, item 297 as amended.

effectiveness of the service and prevents the identification of the recipient. This thesis can be challenged. In Polish, the term "neighbour" means "one who lives near someone, in an adjacent area," "located right next to someone or something at the moment" [Szymczak 1988, 184]. In the absence of a statutory definition, such meaning of that term should be accepted for the purposes of the practice of document service and consequently considered that the neighbour may be only a natural person living in the same building as the addressee or in a building located on a property adjacent to the building in which the addressee lives [Łaszczyca 1998, 167]. Of course, in any particular case, the deliverer should need to take into account the specificities of the recipient's residence. The narrower meaning of the term "neighbour" functioning in the Polish legal scholarly opinion of the interwar civil procedure, defining it as "any person in the neighbourhood, living in the same house, not from a neighbouring house" [Allerhand 1932, 158] does not deserve acceptance in the current realities. Such a legal structure would unreasonably introduce discriminatory diversification between entities residing in different spatial areas, characterised by different values also in terms of their population density (urban and rural areas). Accepting the above-mentioned scholarly definition of "neighbour" would lead to limiting the circle of such entities only to persons living with the addressee in one residential building (urban realities), thereby discriminating against people living alone in single-family buildings in a larger rural area. In this case, the fulfilment of the demand of effectiveness of substitute service could be at risk. In addition, the internal inconsistency resulting from the structure of the definition should be noted. This allows the adoption of very vague criteria for deeming a given person the addressee's neighbour or not. First of all, the important doubt concerns the indication of the appropriate closeness of residences of the neighbour and the addressee of the document.

Undoubtedly, a neighbour, due to significant attributes (constant contact with the addressee resulting from keeping neighbourly relations, primarily during the actual use of the apartment, especially during rest) could, through his participation in the delivery in civil matters, guarantee the assumed effectiveness in respect of the action of handing over the document.

The extending of the catalogue of persons indicated in Art. 138, para. 1 CCP is also prompted by the existence of relevant legal regulations regarding service of documents in connection with other types of decisive proceedings, which currently provide for the admissibility of participation in the act of service of a document to the neighbour of the addressee.[11] It should also be noted that addressing by the legislature, in document delivery regulations, of different groups of entities who may be recipients of the document, in practice

[11] Cf. Act of 14 June 1960, Code of Administrative Procedure, Journal of Laws of 2018, item 2096 as amended [henceforth cited as: CAP], Art. 43.

may lead to many doubts. In particular, in the light of currently applicable legal regulations, the serving entity, when not having full information about the procedure related to the mailing served, and demonstrating at least elementary knowledge of procedural provisions, will probably exclude the assistance of the addressee's neighbour as part of the act of service, without being certain whether in a given case the service of the document to him will not lead to the ineffectiveness of this act.[12]

Of course, as in the case of the addressee's household member, it should be assumed that the necessary attribute of a neighbour authorised to receive a document should be his or her "adulthood" [Peiper 1934, 361]. It should also be noted that the applicable regulations in the field of substantive and procedural civil law do not contain a legal definition of the terms of "adult person" or "adulthood," as well as statutory criteria that allow determining the fulfilment of that requirement [Weitz 2010, 111].[13]

The interwar scholarly opinion on Art. 151, para. 1 CCP was unanimous that the requirement of "adulthood" of the person who receives a substitute service of documents is not only tantamount to reaching the "age of majority" [Miszewski 1932, 174; Miszewski 1946, 110; Peiper 1934, 359–60; Allerhand 1932, 158; Litauer 1933, 85; Richter 1932, 113]. Therefore, adulthood was expressed in terms of mental development, guaranteeing that the recipient of the document is aware of the act of delivery (he or she is able to understand its significance and is aware of his/her obligations arising from it) and inform the addressee of the event that was in his or her presence and will provide the addressee with the document; adulthood in a physical or legal sense is irrelevant. It was emphasized that the notion of "adulthood" does not mean a strictly defined age, or physical maturity. At the same time, it was pointed out that an "adult" could not be a child and had to be mentally developed enough to understand that it was an act of delivering a procedural document and undertake to deliver it to the addressee (by making a positive statement that he/she receives the document and will return it to the addressee) [Miszewski 1932, 174; Peiper 1934, 359–60]. Usually, a natural person after reaching the age of fourteen was also considered an adult person [Peiper 1934, 360; Allerhand 1932, 158; Siedlecki 1969, 266].[14]

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[12] Cf. also Art. 72, para. 1 of the Act of 30 August 2002, the Law on procedure before administrative courts, Journal of Laws of 2018, item 1302 as amended [henceforth cited as: PAC] and Art. 132, para. 2 of the Act of 6 June 1997, the Code of Penal Procedure, Journal of Laws of 2018, item 1987 as amended [henceforth cited as CPP].

[13] Definitely, the word "adulthood" cannot be deemed equivalent of the statutory term of "majority" used in the civil substantive law to natural persons (cf. Art. 10 of the Act of 23 April 1964, the Civil Code, Journal of Laws of 2019, item 1145 as amended. However, without any doubt, in the context of regulation of Art. 138, para. 1 CCP, a "legal-age household member" is also an "adult household member." Cf. also Art. 132, para. 2 CPP, Art. 43 CAP, Art. 72, para. 1 PAC.

[14] CAP, Art. 72, para. 1 PAC.

Under the current legal status there is a discrepancy in the assessment of the presented issues, both in the representative positions of jurisprudence and the scholarly opinion of the subject [Żyznowski 2013, 501]. In the light of the wording of the grounds for the Supreme Court's judgement of 28 February 2002,[15] the term "adult" within the meaning of Art. 138, para. 1 CCP does not always mean only "of legal age." This term also applies to people who have achieved adequate physical and mental development at their age, and above all, by their external behaviour they demonstrate maturity typical to an adult. Similarly, the scholars in the field often express the view that "an adult [household member]," to whom, in accordance with Art. 138, para. 1 CCP a procedural document may be served, it is not necessarily an adult, but one whose degree of intellectual development allows understanding the importance and significance of one's action involving the receipt of the document and undertaking to deliver it to the addressee who is absent at the time of service [Julke 2004, 58; Pietrzkowski 2009, 209; Sorysz 2007, 76].[16]

To sum up, it seems that such possible extension by the legislature of a group of potential recipients of the document to the neighbour of the addressee could help increase the efficiency of service (with less involvement of the delivering entity), and at the same time guarantee that the document sent to the addressee will actually reach him, through a person with whom he has actual contact, resulting primarily from basic life needs.

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[15] III CKN 1316/00, LEX no. 55137.

[16] Other view is presented in the decision of the Appellate Court of Białystok of 30 October 2003, I ACa 523/03, OSAB 2004, vol. 1, item 9.

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CZY SĄSIAD MOŻE ZOSTAĆ ODBIORCĄ PISMA W SĄDOWYM OBROCIE DORĘCZENIOWYM W SPRAWACH CYWILNYCH NA GRUNCIE KODEKSU POSTĘPOWANIA CYWILNEGO? UWAGI *DE LEGE FERENDA*

Streszczenie. Czynność doręczenia jako jedna z najważniejszych instytucji w procesie komunikacji ma przede wszystkim zapewnić podmiotowi postępowania realną możliwość uzyskania informacji o czynnościach przedsiębranych w toku postępowania cywilnego przez sąd orzekający oraz pozostałych jego uczestników, a przez to umożliwić faktyczny udział w kreowaniu przebiegu postępowaniu oraz wpływ na jego wynik. Stosunek w ujęciu podmiotowym, na którym oparta jest czynność doręczenia ma co do zasady charakter trójstronny. Należy wyróżnić w tym układzie bowiem następujące podmioty: „podmiot czynny", „podmiot doręczający" i „podmiot bierny" – „adresat pisma", w przypadkach przewidzianych przepisami szczególnymi zastępowalny także przez „odbiorcę pisma". Aktualnie, zgodnie z art. 138 § 1 k.p.c., jeżeli doręczający nie zastanie adresata w mieszkaniu, może doręczyć pismo sądowe dorosłemu domownikowi, a gdyby go nie było – administracji domu, dozorcy domu lub sołtysowi, jeżeli

osoby te nie są przeciwnikami adresata w sprawie i podjęły się oddania mu pisma. Zastępcze doręczenie pisma może być dokonane tylko do rąk ściśle określonych osób trzecich, enumeratywnie wskazanych w treści analizowanego przepisu, i w odpowiedniej kolejności. Mimo braku stosownej regulacji, *de lege ferenda* Autor niniejszego opracowania postuluje poszerzenie aktualnie wskazanego w ustawie procesowej kręgu odbiorców pisma o dodatkową kategorię podmiotów – „sąsiada" adresata. Ze względu na istotne przymioty (stały kontakt z adresatem wynikający z utrzymywanych stosunków sąsiedzkich, przede wszystkim w czasie rzeczywistego korzystania z mieszkania, zwłaszcza w trakcie odpoczynku) wskazany podmiot jako kolejny potencjalnie odbiorca pisma, mógłby poprzez swój udział w obrocie doręczeniowym w sprawach cywilnych gwarantować zakładaną efektywność w odniesieniu do czynności przekazania pisma.

Słowa kluczowe: doręczenie pisma, czynność procesowa, postępowanie cywilne, adresat pisma, odbiorca pisma, sąsiad, dorosły, pełnoletni

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