

J. Y. Interpretation No.39 (August 27, 1954) *

ISSUE: Shall the right to claim for the funds lodged with the court be subject to the period of prescription as provided in Article 125 of Civil Code?

RELEVANT LAWS:

Article 125 of the Civil Code (民法第一百二十五條) ; the Lodgment Act (提存法) ; Interpretation Yuan-je Tzu No. 3239 (司法院院解字第三二三九號解釋) .

KEYWORDS:

Distribution of funds (款項發還) , statute of limitation (時效) .**

HOLDING: For various kinds of funds that should be returned to [different] parties involved in the litigations in accordance with law but remain unclaimed after the issuance of a summons or deadline-imposed public notice, while courts must maintain the safety and find ways to refund in accordance with Interpretation Yuan-je Tze No. 3239, it is nevertheless subject to the prescription in accordance

解釋文：依法應予發還當事人各種案款，經傳案及限期通告後仍無人具領者，依本院院解字第三二三九號解釋，固應由法院保管設法發還。惟此項取回提存物之請求權提存法既未設有規定，自應受民法第一百二十五條消滅時效規定之限制。

* Translated and edited by Professor Andy Y. Sun.

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with Article 125 of the Civil Code, since the Lodgment Act is silent on the right to request the return of lodged subject matter.