

Specific Performance of a Contract in Common Law and Iran

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Abstract

Nowadays through the bulky extent of body allegations to each other in the courts, make legal systems confronting with many problems, like much longevity of cases prosecution, pay attention to some substitutionary options instead of formal courts procedures. As example can indicate, is amiable resolutions which today, more or less, use to being utilized. In the way, the most important to notify, is courts roles in encouraging of parties to compromise with each other completely or partially through the amiable resolutions, out of engaging courts time. The present contribution by the prospect presented, after conceptualizing the amiable resolutions, tries to outlines courts roles in encouraging of parties in triangular legal systems; common law, civil law and Islamic Iranian law.

As the contribution conclusion, it would be so amazing to know that all these triangular legal systems by their basic rules have been paying attention, much more than can be imagined, to the judge roles in encouraging parties to amiable resolutions. However, through the vacuum of Iran civil procedure law in the

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present case, although, in presence of some other laws indicating the matter like; criminal procedure law & family law, Iranian today judges through the lack of acknowledgement because of civil procedure law vagueness, have no colorful role in the indicated field that is necessary to be reformed.

Keywords: Amiable Resolutions; Courts Roles in Encouraging of Parties in Amiable Resolutions; Alternative Amiable Resolutions; Conciliation Sessions.

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