

Abstract

The condition of interest is considered one of the basic principles on which the civil lawsuit is based. The jurisprudence considered that interest is the committed lawsuit. This rule was decided by the Palestinian legislator in the law of the fundamentals of trials and the judicial application is done for it in Palestinian courts. This judicial application included some variations in rulings in the topic of interest. Accordingly, this study aims at indicating the cause and source of this variation, the indication of which is to build a proper judicial application in the topic of interest. The research methodology was deductive and analytical. The researcher reached several results among which are that interest should be available at the time of submitting the lawsuit and the possibility of turning back the lawsuit due to injustice in submitting it based on the meagerness of the interest in comparison with the great harm which incurs the dependent. And as the nature of pushing towards lack of interest is pushing for non-acceptance in accordance to what is established by law, the first class court does not expire in case the lawsuit is turned back due to lack of interest and this ruling was contested.