

上海金融法院

诉讼权利和义务须知

在金融民商事诉讼中，原被告双方当事人有平等的诉讼地位，享有平等的诉讼权利，有权在法律规定的范围内处分自己的民事权利和诉讼权利。为帮助您更好地参与诉讼活动，及时有效地维护您的合法权益，请您仔细阅读以下内容：

一、您在金融民商事诉讼中享有以下权利

（一）原告依法有提起、放弃、变更或者撤回诉讼请求的权利，被告依法有承认、反驳原告诉讼请求以及提起反诉的权利；

（二）有委托诉讼代理人参加诉讼的权利；

（三）有使用本民族语言文字进行诉讼的权利；

（四）被告有权对受理案件法院的管辖权提出异议；

（五）有申请回避、复议的权利，有收集、提交证据的权利，有进行辩论的权利，有请求调解的权利，有自行和解的权利，有申请财产保全或者先予执行的权利，有提起上诉的权利，有申请再审和申诉的权利；

（六）法院的判决、裁定、调解书发生法律效力后，一方当事人不履行的，对方当事人可以申请强制执行，申请执行的期间为二年；

（七）有权查阅、复制本案有关材料，也可以复制本案法律文书，但应当遵守法院对查阅、复制范围和办法的规定。

二、您在金融民商事诉讼中应履行以下义务

（一）依法行使诉讼权利的义务；

（二）向法院提供准确的送达地址和联系方式的义务；

(三) 按时到庭参加诉讼的义务；

(四) 遵守诉讼秩序和法庭纪律，遵循诚实信用原则，不得滥用诉讼权利；

(五) 应当按照规定交纳案件受理费及其他诉讼费用；

(六) 被告收到起诉状后有进行答辩的义务，被告拒绝答辩的，法院对原告的诉讼主张及证据进行审查。被告无正当理由超期答辩或者答辩不充分，致使诉讼延误严重的，法院可以依法判定答辩义务人承担不利的法律后果；

(七) 有责任对自己提出的诉讼请求事实，或者反驳对方诉讼请求的事实提供证据，予以证明。没有证据或者证据不足以证明当事人所主张事实的，由负有举证责任的当事人承担不利的法律后果；

(八) 履行发生法律效力判决书、裁定书和调解书确定的义务。

对不履行诉讼义务，妨害民事诉讼的行为，根据情节轻重，人民法院可分别采取训诫、罚款、拘留等强制措施；构成犯罪的，依法追究刑事责任。

Notice on Litigation Rights and Obligations

In financial civil and commercial litigation, both plaintiffs and defendants are entitled to equal procedural rights and shall exercise their civil and litigation rights in accordance with law. To assist you in effectively participating in litigation and safeguarding your lawful interests, please read the following:

I. Rights in Financial Civil and Commercial Litigation

1. Plaintiffs may file, waive, modify, or withdraw claims; defendants may admit, rebut claims, or file counterclaims;
2. Right to appoint litigation agents;
3. Right to use the spoken and written languages of one's own ethnic group in judicial proceedings;
4. Defendants may challenge the jurisdiction of the court;
5. Rights to apply for recusal or reconsideration, collect and submit evidence; engage in debate; request mediation or negotiate settlements; apply for property preservation or preliminary enforcement; appeal judgments; apply for retrial or petition for review;
6. If a legally effective judgment, ruling or mediation agreement is not fulfilled, enforcement shall be applied within a two-year period;
7. Right to access and copy case materials and legal documents, subject to court guidance of scope and method.

II. Obligations in Financial Civil and Commercial Litigation

1. Exercise litigation rights lawfully and in good faith;
2. Provide the People's Court with accurate service addresses and contact details;
3. Attend court hearings punctually;
4. Comply with procedural rules and court discipline, follow the principle of good faith, refrain from abusing litigation rights;
5. Pay case acceptance fee and other litigation costs as required;

6. Defendants must submit a defense upon receiving the complaint. Failure to do so allows the Court to rule based on the plaintiff's claims and evidence. Delayed or inadequate defenses causing significant delays may result in adverse consequences;

7. Bear the burden of proof for facts of claims or rebuttals. Failure to provide sufficient evidence leads to adverse rulings;

8. Fulfill obligations under legally effective judgments, rulings, or mediation agreements. For obstructing litigation or breaching obligations, the People's Court may impose warnings, fines, or detention depending on the severity of the case. Criminal liability applies for acts constituting crimes.