de parte, broha destro del tercer dia, sel lo declarari, mandando pomer el expediente en Secretaria para la presentación de mesociales en los términos del artículo 246 del CPCCN (ceto es, los memoriales del recurso en relación).

- a) A la inverna, si el museus se liubiese concedido en relación dabieselo sario Eleptospoto, la Cilmara disposable el consplimiento de la dispuesto en el artículo 260 del CPOCN, es decir, todas las medidas relacivas a lascilum muevos, a discumentos mervos, a proefesa, que benece recaminado.
- b) En quantin, la objectés notes el efecto del mourse corresponde a la queja (per. 284, CPCON). Este pistenna diferenciado se inconveniente y complique, sin reconsidad alguna.

#### 26. Description dell'encurre-

- El recurres puede declarares dissierto (ni docir, dejarlo sin efecta) as as cample con cidertes anegas. El caso general para el recurri libre y aplicatio a los otros tipos na el previsto na el articula 366 del CPCCN: El el apolante no expresam agravira destro del plano o na la bicines en la fiscama prescripta en el articulo caterior (orbitas concreta, y rationada, etc.), el tribural declarari desirerto el necurre, sefadondo, en no usos, cuidos son las motivaciones estociales del promuncionatement recurridos que no las sido efficiermente relocidos.
- a) Em el cuso de la apetación en relación con efecto suspensive, si apelante no pessentare institución del juez de primera instanción declaració designio el recurso (set. 246, CPCCO). Le corresponde a la Calmara declaración designito por no unauplir con los requisitos de conmedido.
- b) Lo mismo pervet el acticulo 250, inciso 3º del CPCCH para la apolicida en esfacida con effecto devolutivos se declaració desterio la escurso si decitro da quinto día de conocidade el apolarite no presentarlas copias que se indican en este artículo, y que exteriorne a su suspe-Si no lo bisione el apolición, se presuntadirá de ellas.
- c) En el caso de apelacido codimenta ante la Costo Suprema (art. 180, tursor pierallo, CPCCO), la falta de pressunación del memorial o su insulficioncia trasti aparejada la descención del muemo.

Traine.

Minimagen Mr. Projective

- a) Differenciar entre inspelabilidad e errocurribilidad. No debe comhendrese esta altasolida (inspelabilidad) con esta que contemple el Código Processil (el nacional la ha matringido bestacte), que es la irremenbilidad de sientas decisiones.
- El trimuinos invessorviblo en mundo mán aceptiro que el triemino imaplicable. Aud, maiemtras sana resolucidos limpelables no admine el recursode apolicación, tana resolución invescerbiles no admine el recursode apolicación, tana resolución (en ma admine elimpias tipo de
  recurso. Ejumpilo de elio de resolucionama fineste e la resolución del
  juez que estableced el Epo de presente aplicable e unas circultos del
  juez especialmente en la ejencición de una sentimento, comido de se escalara lies
  encoppisoses en la ejencición de una sentimento, comido do se sentimam la
  decumentación portinente (per 50°, CPCCEA).
  En techno estas usolos transitións non encontrassos finade a resolución de la
  parte o afesitam non recursidas, poros en martin de la emplicad de la
  resolución impatenta por el legislados, que no admine al la applicación
  el nimetro estes mecantes.
- b) Excuratios del precedirement. Es importante dortacer que la esurable de todos los requisitos que formes procedente al recurso de apelación, ouquirse de la elescropación de aquellina especificos que bacen a este recurso, como al plano y la forma.
- (1) Els cuantro of primo de interposición dependent del procesor y del oscientamiento. En el proceso civil y comorcial macional el plano posicial es de cinco dias, que se cuentra a partir del dia siguiente al de la postificación. En estre tipo de procesos debe estante e la posti que marca la secreta respectiva. Así, et el proceso sumanistimo nacional el plano es de tres dias (art. 498, inc. 2°, CPCCS); art. 496, CPCCBA3, y so el separa de la separa de la loy 16.986, el plano en de 48 beres (art. 13) y so el sedenamiento informi, el plano para de 48 beres (art. 13) y so el sedenamiento informi, el plano para apelar contro la sentencia definitiva es de 6 dias, oportunidad en la que también debe flushese (bry 18.343).
- 2) La forma de deducir la applación timos que ver con la modelidad de se indisolabilidad de se indisolabilidad de la serio de la como model en el Código Processa Nacional y los que siguen su statuena, el Código Processa Nacional y los que siguen su statuena, el modelo funciona de la siguiente forma:

- d) Ein el renuese de inagéionbillidad de la ley (ser. 292) se establocoque se el escribo en que se le declaras se eschalaris la excisterata de la contradicción ses destinose procision, se mencionaria el escribo en que se invocó el procedente jurispratácocial y se esperantis los facdamentos que, a juicio de la parte, demuestran la procedencia del recuest. El insuseptimiente de estis tropisitos determinaria se inadcion/s/Educ.
- c) La regla general del recurso libro pervista por el articulo 366, segunda perte del CPCCN en aplicable a todos los demás casos: "Deslarada la deserción del securso la tentencia quedará firme para el recurso."
- f) A la inversa, la fialta de contentación del recurso no causa efecto ningueso, pues la sentencia se mantimar hasta tanto lugra sido revocada. El aprilado puede o no contentenería al le parece.

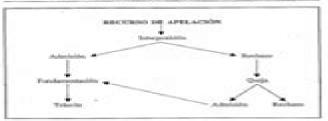
#### By LA PRACTICA DEL RECURSO

#### Aprishilidad y recurribilidad. El escrito de aprisción

La posibilidad de apelar una resolución se funda en primor lugar em que la misma nos apelable conforme con su naturalista (por ejemplo, no non appliables his providencina simples que no assuna gravamen irreparable). Pero tambiés la apelabilidad tiese en auesta el régimen processal, que puede parmitir sólo la apelación de algunas resolucio (v. gt., procesos sumarios o sumaristmos, procesos concursales, laborales, etc.), ya que la regla de la spelabilidad amplia solto existe en el proceso ordinario. El Código Procesal establece además en forma especifica otros casos de inapelabilidad, que siempre se desprenders de su propia letra, sui, a modo de ejesoplo, podessos settalar la resobación que admito la intervención de terroros (est. 96, CPOCN; M. CPCCBA), la resolución que desentima la cadocidad de instancia (art. 317, CPOCN; st. CPOCBA), is use admits of books moves (art. 366, OPCCN; art. 364, CPCCBA), la referente a la prodocción, deregación o nuntanciación de medios probatorios (urt. 379, CPCCN; art. 377, CPCCBA), endoors.

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Los висченов сисполнов их въетскила. Вистине на вопиления



- 2) En tal sentido el seticulo 245 del CPOCN (hit. CPOCBA) refidis e al recierso podeli interponente tanto verbalinante como por marito. Punde Hamor la atoración la primera forma de interposición, nunços es microsofio sultatar que en cano de haberto deducido el mismo en forms verbal, al secretario debeci dejur constancia en autos a traves de un acta que se labrará al efecto. Como ejempio de lo que venimen ande paede ser útil tener en cuenta la madificación introducida por la ley 24,573 al amiculo 366 del Código Procesal, per inveserá la mediencio preliminae. En esta situación no resultaria improbable que ne dudições verbalmente una apelación, en oportunidad de colebrarse dicha maliencia, sobre todo teniendo en cuenta el alcamos que la rolema le ha dado (especialmente en el supuesto de fijución de los hechos). Não obstante ello, tanto en uno como en sim supranto el apelante se date limitar a la sola interposición del revueso, sellalando delcamente que spela la resolución que le agravia. Esto nos permite diferencier dos monuntos absolutamente claros en el resumo de apelacido, que sun et de la interpodutife del resurso, que es al que venimos altadiendo; y atto postanior que tiene que ver cen su fundamentación.
- Interposición del recurso. De esta manera el recurso se interpose con el signiente escrito.

# **Ejercicio De Abogacia El Tomo Ii**

Lei Huang

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