

YTK 105

Hukuk İngilizcesi

DAVA VE MAHKEME

80 TERİM

Türkçesi ve örnek cümlesiyle

Taraflar, mahkeme, dava süreci

Delil, duruşma, karar, kanun yolu

Tahkim ve alternatif çözüm yolları

Bu kaynak bir dil çalışma materyalidir; hukuki tavsiye değildir. Terimlerin Türk hukukundaki karşılıkları yaklaşıktır.



01 Taraflar ve kişiler

16

1	claimant "The claimant seeks damages of 50,000 euros."	davacı (İngiltere)	☐
2	plaintiff "The plaintiff filed the complaint in New York."	davacı (ABD)	☐
3	defendant "The defendant denies the claim."	davalı; sanık	☐
4	respondent "The respondent filed its answer."	karşı taraf, davalı (tahkim ve istinafta)	☐
5	appellant "The appellant argued that the judge was wrong."	kanun yoluna başvuran	☐
6	judge "The judge adjourned the hearing."	hâkim	☐
7	jury "The jury reached a verdict."	jüri	☐
8	lawyer "You should speak to a lawyer."	avukat (genel)	☐
9	solicitor "Her solicitor prepared the documents."	avukat (İngiltere'de müvekkille çalışan)	☐
10	barrister "The barrister presented the case in court."	duruşma avukatı (İngiltere)	☐
11	attorney "His attorney advised him not to comment."	avukat (ABD)	☐
12	counsel "Counsel for the defendant objected."	avukat, vekil	☐
13	prosecutor "The prosecutor called three witnesses."	savcı	☐
14	witness "The witness gave evidence on the second day."	tanık	☐
15	expert witness "Each side appointed an expert witness."	bilirkişi (uzman tanık)	☐
16	court clerk "The court clerk recorded the decision."	mahkeme kâtibi	☐

02 Mahkemeler ve yetki

12

17	court "The court ordered the defendant to pay."	mahkeme	☐
18	court of first instance "The claim was heard by the court of first instance."	ilk derece mahkemesi	☐
19	court of appeal "The court of appeal upheld the decision."	istinaf mahkemesi	☐
20	supreme court "The supreme court refused permission to appeal."	yüksek mahkeme	☐
21	tribunal "The tribunal consists of three arbitrators."	özel yetkili yargı mercii; hakem heyeti	☐
22	jurisdiction "The court has no jurisdiction over the dispute."	yargı yetkisi	☐
23	venue "The parties agreed on the venue."	yer bakımından yetki; duruşma yeri	☐
24	civil proceedings "Civil proceedings were started in June."	hukuk davası	☐
25	criminal proceedings "Criminal proceedings are still pending."	ceza davası	☐
26	limitation period "The claim is outside the limitation period."	zamanaşımı süresi	☐
27	standing "The association has no standing to sue."	dava ehliyeti, taraf sıfatı	☐
28	hearing "The hearing is listed for 12 May."	duruşma	☐

03 Davanın açılması ve yürütülmesi

16

29	claim form "The claim form was issued on 3 March."	dava dilekçesi (formu)	☐
30	statement of claim "The statement of claim sets out the facts."	dava dilekçesi	☐
31	defence "The defence must be filed within 28 days."	cevap dilekçesi, savunma	☐
32	counterclaim "The defendant brought a counterclaim."	karşı dava	☐
33	service "Service was made by post."	tebligat	☐
34	to serve "The documents were served on the defendant."	tebliğ etmek	☐
35	to file "The claimant filed its evidence late."	mahkemeye sunmak	☐
36	pleadings "The pleadings are now closed."	dilekçeler	☐
37	disclosure "Disclosure of documents takes place next month."	belgelerin karşı tarafa açıklanması	☐
38	discovery "Discovery in the United States can take years."	delil keşfi (ABD)	☐
39	interim order "The court made an interim order."	ara karar	☐
40	injunction "The court granted an injunction."	ihtiyati tedbir	☐
41	security for costs "The defendant applied for security for costs."	masraflar için teminat	☐
42	adjournment "The judge refused the adjournment."	erteleme	☐
43	settlement "The parties reached a settlement before trial."	sulh	☐
44	to withdraw "The claimant withdrew the claim."	geri çekmek, feragat etmek	☐

04 Delil ve duruşma

12

45	evidence "There is no evidence of fraud."	delil	☐
46	burden of proof "The burden of proof is on the claimant."	ispat yükü	☐
47	standard of proof "The standard of proof in civil cases is the balance of probabilities."	ispat ölçüsü	☐
48	witness statement "Her witness statement runs to ten pages."	tanık beyanı	☐
49	affidavit "He swore an affidavit."	yeminli yazılı beyan	☐
50	testimony "Her testimony was consistent."	tanıklık, ifade	☐
51	cross-examination "The witness was nervous during cross-examination."	çapraz sorgu	☐
52	exhibit "The contract is exhibit A."	delil olarak sunulan belge ya da eşya	☐
53	hearsay "The judge excluded the hearsay evidence."	kulaktan dolma (dolaylı) beyan	☐
54	oath "The witness gave evidence under oath."	yemin	☐
55	trial "The trial lasted five days."	yargılama, esas duruşması	☐
56	submissions "Counsel made closing submissions."	sözlü ya da yazılı beyanlar	☐

05 Karar ve kanun yolları

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57	judgment "Judgment was given for the claimant."	karar, hüküm	☐
58	verdict "The verdict was unanimous."	jüri kararı	☐
59	ruling "The ruling on jurisdiction came first."	karar (belirli bir konu hakkında)	☐
60	order "The order requires payment within 14 days."	mahkeme emri, karar	☐
61	to uphold "The appeal court upheld the judgment."	onamak	☐
62	to overturn "The decision was overturned on appeal."	bozmak	☐
63	to dismiss "The claim was dismissed."	reddetmek	☐
64	appeal "The defendant lodged an appeal."	kanun yolu başvurusu (istinaf, temyiz)	☐
65	costs "The losing party was ordered to pay costs."	yargılama giderleri	☐
66	enforcement "Enforcement of the judgment took six months."	icra, kararın yerine getirilmesi	☐
67	precedent "The decision sets a precedent."	emsal karar	☐
68	final and binding "The award is final and binding."	kesin ve bağlayıcı	☐

06 Tahkim ve alternatif çözüm

12

69	arbitration "The contract provides for arbitration in Paris."	tahkim	☐
70	arbitrator "Each party appoints one arbitrator."	hakem	☐
71	arbitral tribunal "The arbitral tribunal issued its decision."	hakem heyeti	☐
72	award "The award was enforced in Türkiye."	hakem kararı	☐
73	seat of arbitration "The seat of arbitration is London."	tahkim yeri	☐
74	arbitration clause "The arbitration clause covers all disputes."	tahkim şartı	☐
75	mediation "Mediation is compulsory before some claims."	arabuluculuk	☐
76	mediator "The mediator met each party separately."	arabulucu	☐
77	conciliation "The dispute went to conciliation."	uzlaştırma	☐
78	alternative dispute resolution "The court encourages alternative dispute resolution."	alternatif uyuşmazlık çözümü	☐
79	settlement agreement "The settlement agreement was signed yesterday."	sulh sözleşmesi	☐
80	without prejudice "The offer was made on a without prejudice basis."	hakları saklı tutarak; delil olarak kullanılmamak üzere	☐

BU KAYNAKLA NASIL ÇALIŞMALI?

1

Terimler ağırlıklı olarak İngiltere ve ABD uygulamasından gelir; ülkeye göre adlar değişir (örneğin claimant / plaintiff).

2

Türkçe karşılıklar yaklaşıktır; Türk usul hukukundaki kurumlarla birebir örtüşmeyebilir.

3

Her bölümü okuduktan sonra bir davanın aşamalarını bu terimlerle sırayla anlatmayı dene.

KENDİ NOTLARIN

Bu kaynak bir dil çalışma materyalidir; hukuki tavsiye değildir. Terimlerin Türk hukukundaki karşılıkları yaklaşıktır.

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BUNLARI KENDİ İŞİNDE, BİREBİR DERSTE ÇALIŞ

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