



La caducidad de la instancia (Biblioteca Jurídica Porrúa) (Spanish Edition)

Jorge Figueroa Cacho

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Partiendo de la base de que la declaratoria de la caducidad es un mero requisito de forma, dado que se produce de pleno derecho, aquélla debe entenderse como la extinción del proceso contencioso por el abandono voluntario en su prosecución por las partes y, en algunos casos, por el propio juzgador, en los términos establecidos por las leyes respectivas.

Esta obra se ocupa de la caducidad de la instancia, abordando sus aspectos generales, su objeto y ámbito, sus presupuestos, procedimientos y efectos. A partir de la exposición de estos temas y de su experiencia como Magistrado de Circuito, el autor busca responder algunas interrogantes que surgen en la práctica en torno a este tema: qué sucede cuando transcurre el lapso suficiente de inactividad pero está suspendido el curso del juicio principal por haberse admitido un incidente de previo pronunciamiento; cómo debe ser la naturaleza de tales actuaciones o promociones a fin de que sean interruptoras de la caducidad; cuándo empieza a correr el término para que opere; en qué clase de juicios se produce, entre otros aspectos.

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