



Crterios relevantes publicados por la Suprema Corte de Justicia de la Nación, en el Semanario Judicial de la Federaci3n el d3a 22 de septiembre de 2023

Relevant criteria published by the Supreme Court of Justice of the Nation, in the Judicial Weekly of the Federation on September 22, 2023

En materia civil, se public3 una jurisprudencia en la cual se resolvi3 que en los asuntos en los que se reclame la rescisi3n de un contrato de compraventa, resulta procedente condenar al vendedor el pago de intereses legales por la cantidad que le fue entregada como parte del precio, siempre y cuando sea reclamado por el actor.

“Registro digital: 2027257
Instancia: Primera Sala
Und3cima 3poca
Materias(s): Civil
Tesis: 1a./J. 99/2023 (11a.)
Fuente: Semanario Judicial de la Federaci3n.
Tipo: Jurisprudencia

PAGO DE INTERESES EN LA RESCISI3N DE UN CONTRATO DE COMPRAVENTA. PROCEDE S3LO SI FUERON RECLAMADOS EN EL JUICIO (LEGISLACIONES FEDERAL, DE QUINTANA ROO Y DE LA CIUDAD DE M3XICO).”

In civil matters, a jurisprudence was published in which it was determined that in cases where the rescission of a sales contract is claimed, it is appropriate to condemn the seller to pay legal interest on the amount received as part of the price, provided that it is claimed by the plaintiff.

“Digital Record: 2027257
Instance: First Chamber
Eleventh Epoch
Subject(s): Civil
Thesis: 1a./J. 99/2023 (11a.)
Source: Judicial Weekly of the Federation.
Type: Jurisprudence

INTEREST PAYMENT IN THE RESCISSIION OF A SALES CONTRACT. IT APPLIES ONLY IF CLAIMED IN THE LAWSUIT (FEDERAL, QUINTANA ROO, AND MEXICO CITY LEGISLATIONS).”

En materia mercantil, se public3 una jurisprudencia en la cual se resolvi3 que los vicios del emplazamiento no son sujetos de convalidaci3n por el simple hecho de que este se hubiera entendido directamente con el demandado. Para que exista convalidaci3n, el demandado debe conocer la causa de la nulidad y realizar una manifestaci3n expresa de renuncia a pedir la nulidad.

Por otra parte, se public3 una tesis aislada en la cual se resolvi3 que en los juicios de amparo se podr3 analizar la posible violaci3n de derechos humanos en la celebraci3n de contratos mercantiles y convenios de mediaci3n, ello, con la finalidad de asegurarse que al momento de la celebraci3n se respet3 el derecho humano de dignidad, de que no existi3 explotaci3n del hombre por el hombre y de que se respetaron los principios de neutralidad, equidad y legalidad.

“Suprema Corte de Justicia de la Naci3n

Registro digital: 2027242
Instancia: Plenos Regionales
Und3cima 3poca
Materias(s): Civil
Tesis: PR.C.CN. J/14 C (11a.)
Fuente: Semanario Judicial de la Federaci3n.
Tipo: Jurisprudencia

EMPLAZAMIENTO NULO, EN MATERIA MERCANTIL. NO SE CONVALIDA POR EL HECHO DE QUE LA DILIGENCIA SE ENTIENDA CON EL DIRECTAMENTE DEMANDADO.”

“Suprema Corte de Justicia de la Naci3n

Registro digital: 2027230
Instancia: Plenos Regionales
Und3cima 3poca
Materias(s): Com3n, Penal
Tesis: PR.P.CN. J/15 P (11a.)
Fuente: Semanario Judicial de la Federaci3n.
Tipo: Jurisprudencia

COMPETENCIA PARA CONOCER DEL JUICIO DE AMPARO INDIRECTO PROMOVIDO CONTRA ACTOS DE LOS EXTINTOS TRIBUNALES UNITARIOS DE CIRCUITO, CUANDO EL MAGISTRADO O MAGISTRADA SE3ALADO COMO AUTORIDAD RESPONSABLE, FORMA PARTE DE UN TRIBUNAL COLEGIADO DE APELACI3N. CORRESPONDE TRAMITARLO Y RESOLVERLO A UNA PERSONA TITULAR DISTINTA DE ESTE 3LTIMO, PERO DIVERSA A LA QUE FUNGI3 COMO AUTORIDAD RESPONSABLE.”

In commercial matters, a jurisprudence was published in which it was resolved that defects in service of process are not subject to validation simply because they were understood directly with the defendant. For validation to occur, the defendant must be aware of the grounds for nullity and make an express waiver of seeking nullity.

On the other hand, an isolated thesis was published in which it was determined that in amparo proceedings, it is possible to analyze the possible violation of human rights in the execution of commercial contracts and mediation agreements. This is done to ensure that at the time of the agreement, the human right to dignity was respected, there was no exploitation of man by man, and the principles of neutrality, equity, and legality were upheld.

“Supreme Court of Justice of the Nation

Digital Record: 2027242
Instance: Regional Plenums
Eleventh Epoch
Subject(s): Commercial
Thesis: PR.C.CN. J/14 C (11a.)
Source: Judicial Weekly of the Federation.
Type: Jurisprudence

NULL SERVICE OF PROCESS IN COMMERCIAL MATTERS. IT IS NOT VALIDATED SIMPLY BECAUSE THE PROCEDURE IS UNDERSTOOD DIRECTLY WITH THE DEFENDANT.”

“Supreme Court of Justice of the Nation

Digital Record: 2027230
Instance: Regional Plenums
Eleventh Epoch
Subject(s): Common, Criminal
Thesis: PR.P.CN. J/15 P (11a.)
Source: Judicial Weekly of the Federation.
Type: Jurisprudence

COMPETENCE TO HEAR INDIRECT AMPARO LAWSUITS FILED AGAINST ACTS OF THE EXTINCT CIRCUIT UNITARY COURTS WHEN THE MAGISTRATE DESIGNATED AS THE RESPONSIBLE AUTHORITY IS PART OF A COLLEGIATE APPEAL COURT. IT IS UP TO A DIFFERENTLY TITLED INDIVIDUAL FROM THE LATTER, BUT DISTINCT FROM THE ONE WHO ACTED AS THE RESPONSIBLE AUTHORITY.”



En materia constitucional, se publicó una jurisprudencia en la cual se determinó quien es la autoridad competente para conocer de un amparo indirecto promovido contra actos de los extintos Tribunales Unitarios de Circuito, cuando el magistrado que dictó el acto forma parte de un Tribunal Colegiado de Apelación.

En efecto, en dicha jurisprudencia se resolvió que corresponde dar trámite y resolver el amparo a una persona titular integrante del Tribunal Colegiado de Apelación diversa a la que fungió como autoridad responsable, con una competencia individualizada.

"Suprema Corte de Justicia de la Nación

Registro digital: 2027230
Instancia: Plenos Regionales
Undécima Época
Materias(s): Común, Penal
Tesis: PR.P.CN. J/15 P (11a.)
Fuente: Semanario Judicial de la Federación.
Tipo: Jurisprudencia

COMPETENCIA PARA CONOCER DEL JUICIO DE AMPARO INDIRECTO PROMOVIDO CONTRA ACTOS DE LOS EXTINTOS TRIBUNALES UNITARIOS DE CIRCUITO, CUANDO EL MAGISTRADO O MAGISTRADA SEÑALADO COMO AUTORIDAD RESPONSABLE, FORMA PARTE DE UN TRIBUNAL COLEGIADO DE APELACIÓN. CORRESPONDE TRAMITARLO Y RESOLVERLO A UNA PERSONA TITULAR DISTINTA DE ESTE ÚLTIMO, PERO DIVERSA A LA QUE FUNGIÓ COMO AUTORIDAD RESPONSABLE."

Autor

In constitutional matters, a jurisprudence was published in which it was determined who the competent authority is to hear an indirect amparo filed against acts of the extinct Circuit Unitary Courts when the magistrate who issued the act is part of a Collegiate Appeal Court.

Indeed, in this jurisprudence, it was resolved that the amparo must be processed and resolved by a titled person who is a member of the Collegiate Appeal Court, distinct from the one who acted as the responsible authority, with individualized competence.

"Supreme Court of Justice of the Nation

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