

Summons Commencing Action

No.

Issued by

Clerk of the Court

MAGISTRATE'S COURT: PROVINCE OFHELD

AT

PLAINTIFF:

TO: DEFENDANT:

.....

You are hereby summoned that you do within days after the service of the Summons upon you, enter or cause to be entered with me, and also the plaintiff or his or her legal practitioner at the address specified herein an appearance to defend (i.e. file a notice of intention to defend) to answer the claim of: the plaintiff herein for \$.....and costs, particulars whereof are endorsed hereon.

TAKE NOTICE THAT:

1. In default of your doing so you will be held to have admitted the said claim, and the plaintiff may proceed therein and judgment may be given against you in your absence, but that, on payment of the said claim and costs to me within the said time, judgment will not be given against you herein; and that if, before the expiration of the said time you so pay lodge with me and the plaintiff or his or her legal practitioner a consent to judgment, you will save judgment charges.
2. If you allege any exception, defence or counter-claim you must within seven days after appearance, deliver to me and to the plaintiff within seven days after appearance, deliver to me and to the said plaintiff or his or her legal practitioner a statement in writing of the nature and grounds thereof.

PARTICULARS:
PLAINTIFF'S
LEGAL
PRACTITIONER
ADDRESS

Costs, if the action is undefended:
Legal practitioner's Summons Charges
Court fees
Messenger's Fees on Re-issue

SUB-TOTAL

Legal practitioner's Judgment Charge

TOTAL _____

Messenger's Fees

.....

(Endorsement on back of summons)

CONSENT TO JUDGEMENT

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of \$.....and costs to date) and I consent to judgment accordingly.

Dated thisday of 20

.....
Defendant

APPEARANCE TO DEFEND

To: (1) THE CLERK OF COURT
(2) PLAINTIFF OR PLAINTIFF'S LEGAL PRACTITIONERS

Enter an appearance for the Defendant who intends to defend action.

Dated thisday of 20

Defendant or Defendant’s Legal practitioner

Address for service:

Postal Address

Note 1: In terms of the Rules where Defendant wishes to consent to judgment or to enter an Appearance to Defend, a notice in the appropriate form shown above must be filed with the clerk of court and a copy served on the Plaintiff.

Note 2: In terms of the rules, the plaintiff and the defendant are required to give an address for service within a radius of the court-house from which the summons is issued.

Form CIV 5

Particulars of Claim

(1) The plaintiff’s claim is

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.....
.....
.....

.....
Plaintiff or Plaintiff’s Legal practitioner.

Address:

Postal Address: