
46.

O. 25, r. 7 NOTICE UNDER SUMMONS FOR DIRECTIONS

(Title as in action)

Take notice that the abovenamed defendant intends to apply at the hearing of the summons for directions herein for an order that (insert directions required — see Form 44).

Dated this day of 20 .

Solicitors for

Rules of Court

47.

O. 26, r. 4

SUMMONS FOR INTERROGATORIES

(Title as in action)

Let all parties concerned attend before the Judge (or Registrar) on (date/time) on the hearing of an application by for an order that the be at liberty to serve on the interrogatories in writing and that the said do within days answer the questions in writing by affidavit.

Dated this day of 20 .

(Seal)

Registrar.

Entered No. of 20 .

Clerk.

This summons is taken out by solicitor for

48.

O. 26, r. 2

INTERROGATORIES

(Title as in action)

Interrogatories

On behalf of the abovenamed (plaintiff) or (defendant A.B.) for the examination of the abovenamed (defendants A.B. and C.D.) (defendants the X. Co. Ltd.) or (plaintiff) pursuant to the order herein dated the day of 20 .

(Here set out the interrogatories in the form of concise questions, each interrogatory to be set out in a separate paragraph and numbered consecutively).

- 1. Did you?
2. Did you not?

3. (a) Were you?

(b) If nay, were you not?

(The defendant A.B. is required to answer all the interrogatories numbered _____).

(The defendant C.D. is required to answer interrogatories numbered _____).

(E.F., a director (or as may be) of the defendants, the X. Co., Ltd., is required to answer the interrogatories numbered _____).

Served the _____ day of _____ 20____, by _____ of _____ solicitor for the (plaintiff) (defendant).

To the abovenamed (defendants A.B. and C.D.) (plaintiff) and (their) (his) solicitor.

49.

O. 26, r. 2

ORDER FOR INTERROGATORIES

(Title as in action)

Upon the application of _____ and upon reading the affidavit of _____ filed the _____ day of _____ 20____, and upon hearing

It is ordered that the _____ be at liberty to serve on the _____ interrogatories in writing as initialled by the Judge and that the said _____ do answer the interrogatories within _____ days and that the costs of this application be _____

Dated this _____ day of _____ 20____.

(Seal)

Registrar.

50.

O. 26, r. 2

ANSWER TO INTERROGATORIES

(Title as in action)

The Answer.

of the (defendants) or (abovenamed defendant A.B.) or (plaintiff) to the interrogatories for (their) or (his) examination by the abovenamed (plaintiff) or (defendants) pursuant to the order herein dated the day of 20 .

In answer to the said interrogatories, (we, the said A.B. and C.D. severally) or (I, the abovenamed A.B. or plaintiff), do make oath (or affirm) and say as follows:

1. To the 1st interrogatory, namely (state in full the interrogatory), that (stating the answer).
2. To the 2nd interrogatory, namely (state in full the interrogatory), that (stating the answer).
3. To the 3rd interrogatory, namely (state in full the interrogatory), that I object to answer it on the ground that (stating the ground of objection).

Sworn (or affirmed) as in Form 78.

This affidavit is filed on behalf of the (defendants) (plaintiff).

51.

O. 27, r. 2

NOTICE TO ADMIT FACTS

(Title as in action)

Take notice that the plaintiff (or defendant) in this action requires the defendant (or plaintiff) to admit, for the purposes of this action only, the several facts respectively hereunder specified; and the defendant (or plaintiff) is hereby required, within 14 days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this cause.

Dated this day of 20 .

Solicitor for the

To the defendant (or plaintiff) and his solicitor.

The facts, the admission of which is required, are:

(set out admissions required, e.g.)

1. That A.B. died on the , 20 .
2. That he died intestate.
3. That C.D. was his only lawful son.
4. That E.F. died on the , 20 .
5. That E.F. never was married.

52.

O. 27, r. 2 ADMISSION OF FACTS, PURSUANT TO NOTICE

(Title as in action)

The defendant (or plaintiff) in this action, for the purposes of this action only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in this action:

Provided that this admission is made for the purposes of this action only, and is not an admission to be used against the defendant (or plaintiff) on any other occasion, or by anyone other than the plaintiff (or defendant, or party requiring the admission).

Solicitor for the

To the plaintiff (or defendant) and
his solicitor

(example)

Facts admitted.	Qualifications or Limitations, if any, subject to which they are admitted.
1. That A.B. died on the 20 .	1. —
2. That he died intestate.	2. —
3. That C.D. was his lawful son.	3. But not that he was his only lawful son.
4. That E.F. died.	4. But not that he died on the 20 .
5. That E.F. never was married.	5. —

53.

O. 27, r. 5

NOTICE TO ADMIT DOCUMENTS

(Title as in action)

Take notice that the plaintiff (or defendant) in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant (or plaintiff), his solicitor or agent at _____ on the _____ day of _____, 20____ between the hours of _____ and _____; and the defendant (or plaintiff) is hereby required, within 7 days to admit that such of the documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or delivered were so served, sent or delivered respectively; saving all just exceptions to the admissibility of all such documents as evidence in this action.

And further take notice that if you do not within the aforementioned 7 days give notice that you do not admit the documents (or any of them) and that you require the same to be proved at the trial you shall be deemed to have admitted the document (or documents) unless the Court shall otherwise order.

Dated this _____ day of _____ 20____ .

Solicitor for the

(Here describe the documents, the manner of doing which may be as follows:)

ORIGINALS.

Description of Documents.	Dates.
1.	
2.	
3.	
4.	
5.	

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
1.		
2.		
3.		

54.

O. 27, r. 5 NOTICE OF NON-ADMISSION OF DOCUMENTS

(Title as in action)

Take notice that I do not admit Numbers (e.g. 1, 2 and 5) of the documents (as the case may be) in the Notice to Admit Documents saving all just exceptions to the same as evidence.

Dated this day of 20 .

Solicitor for the

To the plaintiff (or defendant) and his solicitor.

55.

O. 27, r. 5 NOTICE TO PRODUCE

(Title as in action)

Take notice that you are hereby required to produce and show to the Court on the trial of this all books, papers, letters, copies of letters, and other writings and documents in your custody, possession, or power, containing any entry, memorandum, or minute relating to the matters in question in this and particularly —

Dated this day of 20 .

Solicitor for the

To the plaintiff (or defendant) and his solicitor.

56.

O. 29, r. 1

ORDER FOR INTERIM INJUNCTION

(Title as in action)

Upon the application of _____ and upon reading the affidavit of _____, filed the _____ day of _____ 20____, and upon hearing _____, and the plaintiff by his said _____ undertaking to abide by any order the Court or a Judge may make as to damages in case the Court or a Judge should hereafter be of opinion that the defendant _____ shall have sustained any by reason of this order which the plaintiff ought to pay. It is ordered and directed that the defendant(s) (a) _____ by himself (themselves) his (their) agents or employees or otherwise be restrained, and an Injunction is hereby granted restraining him (them) from until after the hearing of a summons returnable on the _____ day of _____ 20____ (or until after the trial of this action) or until further order.

Dated this _____ day of _____ 20____.

(Seal)

Registrar.

(a) Where the injunction is against a limited company or a corporate body, the Form should read: “that the defendants (insert name of company or corporate body) by their agents or employees or otherwise be restrained, etc.”.

57.

O. 30, r. 2

RECEIVER'S SECURITY BY UNDERTAKING

(Title as in action)

I, _____, of _____ the receiver (and manager) appointed by order dated _____ (or proposed to be appointed) in this action hereby undertake with the Court to duly account for all moneys and property received by me as such receiver (or manager) or for which I may be held liable and to pay the balances from time to time found due from me and to deliver any property received by me as such receiver (or manager) at such times and in such manner in all respects as the Court or a Judge shall direct.

And we _____ hereby jointly and severally (in the case of a Guarantee or other Company strike out “jointly and severally”) undertake with the Court to be answerable for any default by the said _____ as such receiver (or manager) and upon such default to pay to any person or persons or otherwise as the Court or a Judge shall direct any sum or sums not exceeding in the whole \$ _____ : _____ that may from time to time be certified by the Registrar to be due from the receiver and we submit to the jurisdiction of the Court in this action to determine any claim made under this undertaking.

Dated this _____ day of _____ 20 _____ .

(Signatures of receiver and his surety or sureties. In the case of a surety being a guarantee or other company, it must be sealed or otherwise duly executed).

58.

O. 30, r. 4 AFFIDAVIT VERIFYING RECEIVER’S ACCOUNT

(Title as in action)

I, _____, of _____, the receiver appointed in this cause, do make oath (or affirm) and say as follows:

1. The document now shown to me marked A is, as it purports to be, a full and true account of _____ for the period therein specified.

2. _____ and _____, my sureties named in the guarantee (or undertaking) dated _____ 20 _____, are both alive and neither of them has become bankrupt or insolvent.

or

2. The _____ Co., Ltd., my surety named in the guarantee (or undertaking) dated _____ 20 _____, is still carrying on business and no application or other proceeding for its winding up is pending.

Sworn (or affirmed) as in Form 78.

59.

O. 31, r. 3

CERTIFICATE OF RESULT OF SALE

(Title as in action)

I, _____, of _____, auctioneer, the person appointed to sell the estate comprised in the particulars hereinafter referred to, hereby certify as follows:

1. I did at the time and place, in the lots, and subject to the conditions specified in the particulars and conditions of sale hereto annexed and marked *A*, put up for sale by auction the estates described in the said particulars.

The result of the sale is truly set forth in the bidding paper hereto annexed and marked *B*.

2. I have received the sums set forth in the fourth column of the schedule hereto as deposits from the respective purchasers whose names are set forth in the second column of the said schedule opposite the said sums in respect of their purchase-money leaving the sums set forth in the fifth column of the said schedule due in respect thereof.

THE SCHEDULE above referred to

No. of Lot	Name of Purchaser	Amount of Purchase-Money	Amount of Deposit Received	Amount remaining due

Auctioneer.

(Date)

(Note: This form can be adapted to meet the requirements of O. 31, r. 3 (1) (b), when certificate has to be given by a solicitor).

