

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 42

(see s 164 (2))

Affidavit of discovery

Pursuant to notice filed (*or* order made) on _____, 20____, I,
the plaintiff (*or* defendant) make oath and say as follows:

1 I have in my possession, custody or power the following
documents:

(specify documents)

2 The documents referred to below are privileged from production on
the ground—

(a) as to documents numbered _____ to _____ above inclusive, that
(state the ground);

(b) as to documents _____ and _____ above, that *(state the ground)*.

3 I have had, but do not now have, in my possession, custody or
power the following documents:

(specify documents)

4 Document _____ specified in paragraph 3 was last in my possession,
custody or power on *(state when)*;

*(state what has become of it) or to the best of my knowledge, information
and belief (state in whose possession, custody or power it is and where it
is).*

5 To the best of my knowledge, information and belief neither I nor
my legal practitioner nor any other person on my behalf has now, or
ever had, in my or his or her possession, custody or power any
document relating to any matter in question between the plaintiff
and myself in these proceedings other than the documents specified
in this affidavit.

6 The document specified in paragraph 1 may be inspected at
(*address*) on , 20 , between (*specify time*).

Endnotes

- 1 This form was originally in the *Magistrates Court (Civil Jurisdiction) Act 1982* (the **authorising Act**), schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the authorising Act and became a form approved under section 471 of that Act (see amdt 1.2791, amdt 1.2793).
- 2 Under the *Court Procedures Act 2004* A2004-59, pt 8, this form became a form approved under that Act.
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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