

Form 2.35 Default judgment

Court Procedures Rules 2006

(see r 1118 (Default judgment—generally))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)
Plaintiff

(name)
Defendant

Date of judgment:

*[Originating claim/counterclaim/third-party notice]: (insert date)

How obtained: *either*

in default of filing *[a notice of intention to respond/a defence/an answer to a counterclaim]]

or

*[a defence/an answer to a counterclaim] has been ordered to be struck out

Affidavits read: *[affidavit of service dated (date)]

affidavit in support dated (date)

Filed on behalf of the plaintiff by:

(the plaintiff's address for service and telephone number (if any) or, if the plaintiff is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

The judgment of the Court is that:

for a default judgment for debt or liquidated demand (see r 1120 (Default judgment—debt or liquidated demand))

*^The plaintiff recover against the defendant \$ (*state amount*) *[together with—

- (a) **(if interest is claimed)* interest; and
- (b) **(if the plaintiff's costs are not more than the costs applying, from time to time, under sch 3, pt 3.2 (Default judgment) (see r 1121 (Default judgment for debt or liquidated demand—assessment of costs))* the following costs:
 - (i) costs for issuing the originating claim;
 - (ii) costs for obtaining judgment;
 - (iii) any other fees and payments, to the extent they have been reasonably incurred and paid.

(for a default judgment for unliquidated damages (see r 1122 (Default judgment—unliquidated damages))

*^The plaintiff recover against the defendant damages to be assessed.

(for a default judgment for detention of goods (see r 1123 (Default judgment—detention of goods))

*^The defendant *[return (*describe goods to be returned*) to the plaintiff, or pay the plaintiff \$ (*state amount*) for the value of the goods and costs/pay the plaintiff \$ (*state amount*) for the value of (*describe goods*) and costs].

*^The return of the goods to the plaintiff must take place before (*date*).

(for a default judgment for recovery of possession of land (see r 1124 (Default judgment—recovery of possession of land))

*^The plaintiff—

- (a) recover possession of the land described in the *[originating claim/counterclaim/third-party notice], and known as (*state block and section numbers*) of (*suburb*) contained in certificate of title volume (*number*), folio (*number*) *[and known as (*street address*)], as against the defendant; and

(b) the following costs:

- (i) costs for issuing the *[originating claim/counterclaim];
- (ii) costs for obtaining judgment;
- (iii) any other fees and payments, to the extent they have been reasonably incurred and paid.

(for a default judgment for other claims (see r 1126 (Default judgment—other claims))

**^The plaintiff recover against the defendant (state relief plaintiff claims for).*

(for a default judgment for costs only (see r 1127 (Default judgment—costs only))

**^The plaintiff recover against the defendant *[costs of \$ (state amount)/costs as agreed or assessed].*

Date entered: *(date to be inserted by Court)*

Registrar

(signature of Registrar)

**omit if, or whichever is, inapplicable
^number as appropriate*

Endnotes

This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

© Australian Capital Territory 2006