

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 13

(see s 42 (1) (c))

Notice of defendant of entry of interlocutory judgment and notice of hearing

To the defendant:

- 1 On _____ I entered interlocutory judgment against you in these proceedings.
- 2 The hearing of these proceedings for the purpose of the assessment of the amount to be recovered by the plaintiff has been listed for _____ 20 _____ at (*time*) _____ at (*place*) _____.
- 3 You are thereby deemed to have admitted liability for the plaintiff's claim and therefore the function of the Court at the hearing is the assessment of the amount to be recovered by the plaintiff.
- 4 You are not entitled to put any matter to the court in connection with the assessment unless you file a notice of grounds of defence.
- 5 Unless you file a notice of grounds of defence the court may, on the date of the hearing, give final judgment against you.
- 6 If you file a notice of grounds of defence before final judgment is given by the court the interlocutory judgment will be set aside and you will be permitted to defend the proceedings.
- 7 A notice of grounds of defence may indicate your intention to defend either as to your liability for the plaintiff's claim or only in respect of the amount claimed by the plaintiff.

8 Where you file a notice of grounds of defence you may, whether or not your defence is successful, be liable for any costs incurred by the plaintiff in obtaining interlocutory judgment or as a result of the setting aside of that judgment as well as for any costs arising by virtue of the proceedings being defended.

Dated 20 .

Registrar

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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