

**LETTER OF DEMAND IN TERMS OF RULE 6 (1) OF THE SMALL CLAIMS
COURT RULES**

(Heading)

Dear Sir/Madam

I, the undersigned, hereby demand:

a. Payment of the amount of P.....being in respect of:

.....
.....

b. Or delivery of the following goods:

.....
.....

c. Or that you vacate my property, namely.....forthwith.

Please note that unless the amount is paid to me within 14 days from today, a summons
will be issued against you for the recovery of my claim in the Small Claims Court of

.....

Yours faithfully

.....
Signature

Note:

(1) delete paragraph a, b or c or whichever is not applicable.

SUMMONS

(Heading)

SUMMONS TO APPEAR AT THE SMALL CLAIMS COURT AT.....

PARTIES:

Plaintiff (Name)
(Address)
.....
.....

Defendant (Name).....
(Address)
.....
.....

PART I

NOTICE OF THE DEFENDANT

1. You are directed to appear before the Small Claims Court, held at
Magistrates' Court,.....on theDay of.....
20..... atto admit or deny your liability for the claim mentioned
in this summons.
2. If you deny liability, you may, before the trial, deliver to the clerk of Court at the
.....Magistrates' Court, your defence and the reasons
for denying your liability and serve a copy of this document on the plaintiff.

C.560

PLAINTIFF'S CLAIM:

Plaintiff's claim is for.....
.....
.....

Wherefore the plaintiff claims for:

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

3. (a) Note that if you fail to appear in Court on the trial date after a summons has been served on you, judgment may be given against you by the Court.
- (b) If you want to pay money in settlement of the claim, you may pay directly to the judgment creditor.
- (c) If you admit the claim and wish to consent to the judgment or wish to undertake or pay the claim in instalments or make other arrangement, you may approach the plaintiff.
4. If you fail to settle the judgment or order of the Court, a writ of execution against your movable and later on your immovable property may be issued by the clerk of Court for the attachment of your movable and later on your immovable property to satisfy the plaintiff's claim.

Execution may be levied for the whole judgment debt and for costs which have not been paid or for any instalment which have not been paid.

PART II
CONSENT TO JUDGMENT

I admit that I am liable to the plaintiff as alleged in the summons for the amount of P.....
and costs to date and I accordingly consent to judgment.

.....
Signature

Dated at**this****date of** **20**.....

PART III
AFFIDAVIT OF SERVICE

I, the undersigned,.....
Hereby declare that I personally delivered a copy of the summons (attached original Summons
marked Annexure 'A') to the defendant by serving it on him/her on the.....
day of.....20.....at.....am/pm.....at(place)

SIGNATURE:.....

FULL NAME.....

Signed before me aton this
.....day of20.....at.....am/pm

.....
COMMISSIONER OF OATHS

FULL NAME

ADDRESS

.....

C.562

Form 3
(Rule 11(1))

STATEMENT OF DEFENCE

(Heading)

PARTIES:

Plaintiff (Name):

Address.....

Defendant (Name):

Address:.....

.....

.....

Defendant denies he/she/it* is liable to the plaintiff as claimed in the summons.

*** delete whichever is not applicable**

PARTICULARS OF DEFENCE:

.....

.....

.....

.....
Date

.....
Signature of the Defendant

.....
Signature of the Clerk of Court
Official stamp

**STATEMENT OF DEFENCE WITH COUNTERCLAIM
(DENYING PLAINTIFF'S CLAIM)**

(Heading)

1. PARTIES:

Plaintiff (Name):.....

Address.....

Defendant (Name):.....

Address:.....

Defendant denies he/she/it* is liable to the plaintiff as claimed in the summons.

*** delete whichever is not applicable**

PARTICULARS OF DEFENCE:

(a)

(b)

(c)

(d)

COUNTERCLAIM:

In addition to denying liability, defendant counterclaims for the sum of P.....
against the plaintiff.

PARTICULARS OF COUNTERCLAIM:

1

2

3

.....
Date

.....
Signature of the Defendant

**ADVICE THAT JUDGMENT BY CONSENT HAS BEEN
GRANTED BEFORE HEARING**

(Heading)

I. PARTIES:

Plaintiff (Name):

Address:.....

.....

.....

Defendant (Name):

II. JUDGMENT BY CONSENT:

(i) The parties are notified that judgment by consent has been granted by the Court
for the plaintiff for the amount of Pin terms of the
defendant's consent to judgment dated
and lodged with the Clerk of Court.

III. NO ATTENDANCE

The parties are not required to attend the hearing filed for the

Dated at this day of 20.....

.....
Signature of Clerk of Court

Official Stamp

APPLICATION FOR RESCISSION OF DEFAULT JUDGMENT

IV. PARTIES :

Plaintiff (Name):

Address:.....

Defendant (Name):

V. REASONS WHY JUDGMENT SHOULD BE SET ASIDE

(i)

(ii)

(iii)

Dated at this day of 20

.....
Signature of Defendant

THIS PORTION TO BE ENDORSED BY CLERK OF COURT AND COPIES SENT TO PLAINTIFF AND DEFENDANT

TAKE NOTICE that the application for rescission will be heard at
(place)

on the
(date)

You are required to attend the hearing on

.....
Signature of Clerk of Court

WITHDRAWAL OF ACTION

PARTIES :

Plaintiff (Name):

Address:.....

Defendant (Name):

Address:

NOTICE OF WITHDRAWAL

TAKE NOTICE that I have withdrawn the action against the defendant and do not wish to proceed with claim.

Dated at thisday of 20

.....
Signature of Plaintiff

THIS PORTION SHOULD BE ENDORSED BY THE CLERK OF COURT AND COPIES SENT TO DEFENDANT

TAKE NOTICE that plaintiff has withdrawn the above claim against you.

You are no longer required to attend the hearing.

Dated at thisday of 20

.....
Signature of the Clerk of Court

Official Stamp

Case No..... 20.....

WRIT OF EXECUTION AND EJECTMENT

PARTIES :

Plaintiff (Name):

.....

Address:

.....

Defendant (Name):

.....

Address:

.....

TO THE COURT BAILIFF.....

In the case between the above-named parties the Court ordered defendant to pay the sum of P to the plaintiff and ordered the ejectment of the defendant from the plaintiff's house at
(State physical address of the premises)

You are authorized and required:

(a) To attach and take into execution the property of the said defendant and to raise the sum of together with the interest at the rate of calculated from plus costs.

(b) To eject the defendant from the plaintiff's house. You are authorized and required to perform your duties under this writ in accordance with Magistrates' Court (Civil) Rules. This writ has been issued by the Clerk of Court, Small Claims

Court at on the day of 20.....

By Order of the Court

.....
Signature of Plaintiff

.....
Signature of the Clerk of Court

MADE this 8th day of July, 2009.

JULIAN NGANUNU,
Chief Justice.