

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 9 Small Claims Court

(see s 415 (3), s 417 (6), s 425 (4), s 428 (7), s 436 (1), s 440 (4), s 441 (5) and s 451 (4))

Interlocutory application

Application No _____ of [year], between [applicant] and [respondent].

Interlocutory applications

This form may be used for making any application during the course of an inquiry

—for example, this is the form you would use if you wished to apply for an adjournment of the inquiry, or to amend your application or response.

Restoration of proceedings

This form may also be used to apply for ‘restoration of proceedings’ as follows:

- Restoration for the respondent after a default judgment or interim order has been issued in the previous absence of a formal response;
- Restoration for either party following the party’s earlier failure to appear at a conference or inquiry;
- Restoration for either party after a consent judgment has been entered, where the party wishes to resile from the judgment consented to;
- Restoration for the applicant after the applicant’s earlier discontinuance of proceedings in an inquiry.

Further Information

If you have any questions about what you should do, please talk to a Registry officer at [address] or by telephone on [telephone number] between 9 am and 4 pm, Monday to Friday.

* The applicant applies for the following orders or directions:

* The respondent applies for the following orders or directions:

The grounds for making this application are as follows:

Date:

[signed]

* Applicant

* Respondent

This application has been set down for inquiry at the following date and time:

Registrar

* *Strike out where inapplicable*

Endnotes

- 1 This form was originally in the *Magistrates Court (Civil Jurisdiction) Act 1982* (the *authorising Act*), schedule 2. 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.

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