



REPUBLIC OF SOUTH AFRICA

NO.8—APPLICATIONS

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| In the Small Claims Court for the area of..... | |
| Case No..... | Unique Reference No.: |

APPLICATION

(To be completed by the Applicant, the person or entity that is applying to the court for the relief stated in this document)

A. PARTICULARS OF THE APPLICANT:

Surname or Name of entity:

First Names (*where applicable*):

Residential address:

Business address:

Postal Address:

Telephone No:

Cellular No:

E-mail address:

B. PARTICULARS OF THE RESPONDENT:

Surname or Name of entity:

First Names (*where applicable*):.....

Residential address (*where known*):.....

Business address (*where known*):.....

Postal Address (*where known*):.....

Telephone No (*where known*):.....

Cellular No (*where known*):.....

E-mail address (*where known*):.....

1. Are you the Plaintiff or the Defendant in the action (summons proceedings)*(tick below, the appropriate box)*

- Plaintiff
- Defendant

2. Application will be made to the Court on the day of 20..... at
 for an order in terms of:

(tick below whichever applies)

- section 31 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984) ("Act") (Joinder of plaintiffs, party applying for separate hearing to be held where there is a joint action, *go to paragraph 3*)
- section 32 of the Act (Joinder of defendants, party applying for separate hearing to be held where there is a joint action, *go to paragraph 3*)
- section 33(3) of the Act (party applying for the substitution of the name or place as commonly known with the correct name or place, *go to paragraph 4*)
- section 36(a) of the Act (party applying for rescission of judgment granted in the absence of the person against whom that judgment was granted, *go to paragraph 5*)
- section 36(b) of the Act (party applying for rescission of judgment which was *void ab origine* (this term means incorrect from the very beginning) or was obtained by fraud or as a result of a mistake common to both parties, *go to paragraph 6*)
- section 36(c) of the Act (party applying for correction of patent error or errors in judgment), *go to paragraph 7*)
- Other..... (specify section or rule in terms of which application is made, *go to paragraph 8*)

3. (a) The Court is requested to grant an order for a separate hearing for the Applicant or Respondent (Delete whichever is not applicable).

(b) (insert below the particulars substantiating the request that a separate hearing should be held)

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4. (a) Whereas the name of the plaintiff or defendant (*delete whichever is not applicable*) or place, as commonly known (*delete if not applicable*) is stated in the summons as and whereas the name or place (*delete whichever is not applicable*) is

(b) The Court is requested to grant an order for the substitution of for where it appears in the summons.

(c) (*insert below sufficient details in support of your application*)

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5. (a) Whereas judgment was granted against the plaintiff or defendant (*delete whichever is not applicable*) in his or her or their absence on (*insert date*).

(b) Whereas the Court is requested to grant an order rescinding the judgment granted on

(c) (insert below the **reasons for your absence** on the date that judgment was granted against you and state concisely **your defence** to the claim made against you and indicate when and how you first had knowledge of the judgment against you).

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6. (a) Whereas judgment was granted against the plaintiff or defendant (*delete whichever is not applicable*) on (*insert date*).

(b) Whereas the Court is requested to grant an order rescinding or varying the judgment granted on

(c) (insert below sufficient details in support of your application for the rescission or the variation of the judgment based on whether it was void ab origine, obtained by fraud or as a result of a mistake common to both parties and indicate when and how you first had knowledge of the judgment against you).

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7. (a) Whereas judgment was granted against the plaintiff or defendant (*delete whichever is not applicable*) on (*insert date*).

(b) Whereas the Court is requested to grant an order correcting the patent error or errors in the judgment granted on as follows

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(c) *(insert below sufficient details in support of your application for the correction of a patent error)*

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8. (a) In terms of section or rule *(delete whichever is not applicable)*....., the Court is requested to grant an order for.....

(b) *(insert below sufficient details in support of your application.)*

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Date:

Signature, mark or fingerprint of Applicant:

I certify that the deponent has acknowledged that he or she knows and understands the contents of this declaration, which was sworn to/affirmed (delete what is not applicable) and signed before me at (place) ondate) under compliance with the rules promulgated in Government Notice R. 1258 dated 21 July 1972 (as amended).

COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

.....

NOTE:

A copy of this document must be served on the other party and the original must be lodged with the Clerk of the Court.

To:

Respondent

Address: (as stated in part B above)

And to:

To: The Clerk of the Small Claims Court (insert area)

By hand: Received by the Clerk of the Small Claims Court on this day of 20.....

Or

Per E-mail: