

NEW ZEALAND CODE OF CIVIL PROCEDURE.

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[The following Rules shall regulate the proceedings in actions in the Supreme Court of New Zealand.]

PART I.—COMMENCEMENT OF ACTION

CHAPTER I.

THE WRIT OF SUMMONS.

1. Every action shall be commenced by a writ of summons, which may be issued out of any office of the Court.

FORM OF WRIT.

2. The writ shall be in the Form No. 1 in the Schedule hereto, and shall require the defendant to file a statement of his defence to the plaintiff's claim within such time and at such place as shall be stated in the writ, and shall warn the defendant that if he do not file his statement of defence within such time the plaintiff may at once proceed in his action without having it heard in Court.

3. The time to be so stated shall be regulated by the distance of the defendant's residence from the office of the Court in which his statement of defence is to be filed, the times for various distances being shown in Table "A" in the Schedule hereto.

4. The place shall be the office of the Court nearest to the defendant's residence in the judicial district in which the defendant resides.

5. The writ shall also require the defendant if he file a statement of defence, to attend at a place to be named in the writ at the first sitting of the Court which shall be held there after the expiration of the number of days stated in the writ, to answer the plaintiff's claim, and shall further warn the defendant that, if he fail to attend the sitting of the Court named in the writ, the Court may adjudicate upon the plaintiff's claim in his absence.

6. The place at which the defendant shall be required to attend shall be the town in which sittings of the Court for the trial of actions are held in the judicial district, within which is situated the office of the Court in which the statement of defence is to be filed.

7. If sittings of the Court are held in more than one town in such judicial district the place shall be the town nearest the residence of the defendant in which such sittings are held.

8. If there be more than one defendant to the action the place for the purposes of Rules 4, 6, and 7, shall be ascertained by reference to the residence of the defendant first named in the writ.