

District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 42.01

Appearance and defence: general

Schedule C
O.42, r. 3(1)

District Court Area of

District No. Record number:

Between

..... Claimant

..... Respondent

APPEARANCE

To: District Court Clerk:

The *respondent intends *respondents intend to defend this claim notice.

Particulars of first respondent:

Name	
Address	*(in the above Court *(area) and district)
Occupation	
PPSN	
*Solicitor	*(if the respondent intends to defend in person, please state "in person")
Address for service of documents	

[Repeat particulars for second and any subsequent respondent]

Dated the day of..... 20....

Signed:.....

*(Solicitor for) Respondent

This appearance was filed at..... on the day of 20.... with the District Court Clerk assigned to the above Court area and district

Note: This page only to be completed and filed with the appropriate District Court Clerk; the remainder of the document to be completed and served on the claimant or

claimant's solicitor.

**Delete where inapplicable*

*Schedule C
O.42, r. 3(1)*

District Court Area of

District No.

Record number:

Between

..... Claimant

..... Respondent

APPEARANCE AND DEFENCE

The *respondent intends *respondents intend to defend this claim notice.

Particulars of first respondent:

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Occupation	
PPSN	
*Solicitor	*(if the respondent intends to defend in person, please state "in person")
Address for service of documents	

[Repeat particulars for second and any subsequent respondent]

Dated the day of..... 20....

Signed:.....

*(Solicitor for) Respondent

To the *(solicitor for the) claimant(s) at the address(es) given in the claim notice

GROUND'S OF DEFENCE

[Set out in numbered paragraphs a statement of the grounds of the respondent's

defence, including all material facts on which the respondent relies, with necessary particulars of such fact.

Grounds of defence must state which of the facts stated in the claimant's statement of claim are admitted; denied or not admitted. Where a fact stated in a statement of claim is denied, reasons must be given for denying the fact; and if the respondent intends to prove a fact different from that stated in the statement of claim, the grounds of defence must state, with necessary particulars, the fact that the respondent intends to prove.

The grounds of defence must state specifically, with particulars, any fact or matter which makes the claim of the claimant not maintainable; or if not stated specifically, might take the claimant by surprise; or raises questions of fact not arising out of the statement of claim.

Example as follows—

1. The respondent admits and does not require proof of the following allegations specified or matters pleaded in the claimant's statement of claim:.....

2. The respondent denies the following allegations specified or matters pleaded in the claimant's statement of claim:.....

3. The respondent denies the allegation [x] because and instead pleads that

4. The respondent alleges that the claimant's claim is not maintainable in law against the respondent because.....

5 In the alternative, some or all of the loss suffered by the claimant was occasioned in whole or in part by the claimant's own action because.....]

LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH THE RESPONDENT
WILL RELY AT TRIAL

	Document	Date	Description
1	e.g. letter of offer	1 September 2013	Letter of offer from the claimant to the respondent
2	e.g. contract	10 September 2013	Contract signed by the claimant and the respondent
Etc			

[If a counterclaim is made, the statement of counterclaim (in Form 42.07) should be inserted here]

Dated the day of..... 20....

Signed:.....

*(Solicitor for) Respondent

To the *(solicitor for the) claimant(s) at the address(es) given in the claim notice

**Delete where inapplicable*

