

CHAPTER 9 -ACTION PROCEDURE

Introduction

PHASES OF THE ACTION PROCEDURE:

- Pre-pleadings phase
- Pleadings phase
- Preparation for trial phase
- Trial phase
- Judgment phase
- After trial phase

- 3 Main stages:
 - Pleadings stage
 - Preparation for trial stage
 - Trial stage

OVERVIEW OF PHASES:

- Pre-pleadings phases:
 - Consists of the consultation with the client
 - Parties engage in negotiations (letters of demand etc)
 - Drafting of pleadings
- Pleadings stage:
 - Commences with the issuing of summons and consists of the exchange of pleadings between parties
 - Pleadings are served on the opposing party and then filed at court
- Preparation for trial stage:
 - Commences upon *litis contestation*
 - There has been a joinder of issue - ie: the issues in the dispute have been crystallised
 - Parties are ready to collect evidence to prove their claims or defences

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