

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 change 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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Chitty's Collection of Statutes, with Notes Thereon ... Second Edition, Containing All the Statutes of Practical Utility in the ... Administration of Justice in the Present Time. By W. N. Welsby ... and E. Beaven England,1851
The Weekly notes Incorporated Council of Law Reporting for England and Wales,1898 **The Weekly notes** ,1893
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