

# **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

# Outlines Procedure Action Kings Division

**Dalzell Chalmers, Sir Cyril Asquith, Cyril  
Asquith**

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