

Rules of the District Court (Amendment) Rules 2008

The Rules of the District Court (Cap. 336H)

Order 48 – EXAMINATION OF JUDGMENT DEBTOR, ETC.

Remarks

1. Order for examination of judgment debtor (O. 48, r. 1)

(1) Where a person has obtained a judgment or order for the payment by some other person (hereinafter referred to as “the judgment debtor”) of money, the Court may, on an application made ex parte by the person entitled to enforce the judgment or order, order the judgment debtor or, if the judgment debtor is a corporation, an officer thereof, to attend before a master and be orally examined on the questions –

- (a) whether any and, if so, what debts are owing to the judgment debtor; and
- (b) whether the judgment debtor has any and, if so, what other property or means of satisfying the judgment or order,

and the Court may also order the judgment debtor or officer to produce any books or documents in the possession of the judgment debtor relevant to the questions aforesaid at the time and place appointed for the examination.

(2) An order under this rule must be served personally on the judgment debtor and on any officer of a corporation ordered to attend for examination.

(3) Any difficulty arising in the course of an examination under this rule before a master may be referred to a judge and he may determine it or give such directions for determining it as he thinks fit.

2. Examination of party liable to satisfy other judgment (O. 48, r. 2)

Where any difficulty arises in or in connection with the enforcement of any judgment or order, other than such a judgment or order as is mentioned in rule 1, the Court may make an order under that rule for the attendance of the party liable to satisfy the judgment or order and for his examination on such questions as may be specified in the order, and that rule shall apply accordingly with the necessary modifications.

~~3. Examiner to make record of debtor’s statement (O. 48, r. 3)~~

~~The master conducting the examination shall take down, or cause to be taken down, in writing the statement made by the judgment debtor or other~~

Rule 182
Alignment with RHC

Remarks

~~person at the examination, read it to him and ask him to sign it; and if he refuses the master shall sign the statement.~~

3. Record of judgment debtor's evidence given at examination (O. 48, r. 3)

A master conducting the examination shall cause to be recorded, by means of shorthand notes or mechanical, electronic or optical device or otherwise, the evidence given by the judgment debtor or other person at the examination.