

# Rules of the District Court (Amendment) Rules 2008

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

### Order 7 – ORIGINATING SUMMONSES: GENERAL PROVISIONS

#### Remarks

#### 1. Application (O. 7, r. 1)

The provisions of this Order apply to all originating summonses subject, in the case of originating summonses of any particular class, to any special provisions relating to originating summonses of that class made by these Rules or by or under any written law.

#### 2. Form of summons, etc. (O. 7, r. 2)

(1) Every originating summons (other than an ex parte summons) shall be in Form No. 8 in Appendix A or, if so authorized or required, in Form No. 10 in Appendix A, and every ex parte originating summons shall be in Form No. 11 in Appendix A.

**(1A) Form No. 8 in Appendix A is to be used in all cases except where another form is prescribed under a written law or there is no party on whom the summons is to be served.**

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**(1B) Form No. 10 in Appendix A is to be used if it is prescribed under a written law.**

**(1C) Form No. 11 in Appendix A is to be used if there is no party on whom the summons is to be served.**

(2) The party taking out an originating summons (other than an ex parte summons) shall be described as a plaintiff, and the other parties shall be described as defendants.

#### 3. Contents of summons (O. 7, r. 3)

(1) Every originating summons must include a statement of the questions on which the plaintiff seeks the determination or direction of the Court or, as the case may be, a concise statement of the relief or remedy claimed in the proceedings begun by the originating summons with sufficient particulars to identify the cause or causes of action in respect of which the plaintiff claims that relief or remedy.

(2) Order 6, rules 3 and 5, shall apply in relation to an originating summons

as they apply in relation to a writ.

**4. Concurrent summons (O. 7, r. 4)**

Order 6, rule 6, shall apply in relation to an originating summons as it applies in relation to a writ.

**5. Issue of summons (O. 7, r. 5)**

(1) An originating summons shall be issued out of the Registry.

(3) Order 6, rule 7, shall apply in relation to an originating summons as it applies in relation to a writ.

**6. Duration and renewal of summons (O. 7, r. 6)**

Order 6, rule 8, shall apply in relation to an originating summons as it applies in relation to a writ.

**7. Ex parte originating summonses (O. 7, r. 7)**

(1) Rules 2(1) **and (1C)**, 3(1) and 5(1) shall, so far as applicable, apply to ex parte originating summonses; but, save as aforesaid, the foregoing rules of this Order shall not apply to ex parte originating summonses.

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(2) Order 6, rule 7(3) and (5), shall, with the necessary modifications, apply in relation to an ex parte originating summons as they apply in relation to a writ.