

Rules of the High Court (Amendment) Rules 2008

The Rules of the High Court (Cap. 4A)

Order 9 – PETITIONS: GENERAL PROVISIONS

Remarks

~~1. Application (O. 9, r. 1)~~

Rule 25
Rec 14

~~Rules 2 to 4 apply to petitions by which civil proceedings in the Court of First Instance are begun, subject, in the case of petitions of any particular class, to any special provisions relating to petitions of that class made by these rules or by or under any written law.~~

~~(25 of 1998 s. 2)~~

1. Application (O. 9, r. 1)

The provisions of this Order apply to all petitions required or authorized under a written law, subject to any provisions relating to any class of petition made by that written law or any other written law.

2. Contents of petition (O. 9, r. 2)

- (1) Every petition must include a concise statement of the nature of the claim made or the relief or remedy required in the proceedings begun thereby.
- (2) Every petition must include at the end thereof a statement of the names of the persons, if any, required to be served therewith or, if no person is required to be served, a statement to that effect.
- (3) Order 6, rule 5, shall, with the necessary modifications, apply in relation to a petition as it applies in relation to a writ.

3. Presentation of petition (O. 9, r. 3)

A petition may be presented by leaving it at the Registry.

4. Fixing time for hearing petition (O. 9, r. 4)

- (1) A day and time for the hearing of a petition which is required to be heard shall be fixed by the Registrar.
- (2) Unless the Court otherwise directs, a petition which is required to be served on any person must be served on him not less than seven days before the day fixed

for the hearing of the petition.

5. Certain applications not to be made by petition (O. 9, r. 5)

No application in any cause or matter may be made by petition.

6. Right to defend in person (O. 9, r. 6)

(1) Subject to paragraph (2) and to Order 80, rule 2, a respondent to proceedings begun by petition may (whether or not he is sued as a trustee or personal representative or in any other representative capacity) defend the proceedings by a solicitor or in person.

(2) Where the respondent to such proceedings is a body corporate, except as expressly provided by or under any enactment or where leave is given under paragraph (3) for such respondent to be represented by one of its directors, such respondent may not take any step in the proceedings otherwise than by a solicitor.

- (3) (a) An application by a body corporate for leave to be represented by one of its directors shall be made ex parte to a Registrar and supported by an affidavit, made by the director and filed with the application, stating and verifying the reasons why leave should be given for the body corporate to be represented by the director.
- (b) The relevant resolution of the board of the body corporate authorizing the director to appear on its behalf if leave is granted shall be exhibited to the affidavit.

(4) No appeal shall lie from an order of the Registrar under paragraph (3) giving or refusing leave.

(5) The Court may at any time revoke the leave given by a Registrar under paragraph (3).

(6) No appeal shall lie from an order of the Court revoking leave given by a Registrar.

(L.N. 108 of 2002)
(Enacted 1988)