

No. 12 - Notice of review and affidavit in terms of rule 26(3)

IN THE HIGH COURT OF SOUTH AFRICA

(..... DIVISION)

Case No/20.....

Small Claims Court Case No. /20.....

In the matter between

..... Applicant

and

..... Respondent

NOTICE OF REVIEW

PLEASE TAKE NOTE that the Applicant hereby applies for the review of the proceedings in the matter held in the Small Claims Court (area) under case number An order is prayed for in the following terms:

1. That the proceedings and judgment granted in the Small Claims Court (area) under case number be set aside;
2. further and/or alternative relief; and
3. costs, if applicable.

TAKE NOTICE FURTHER that the affidavit of the applicant, will be used in support of this application.

AFFIDAVIT IN SUPPORT OF A NOTICE OF REVIEW

1. I, the undersigned

.....

(State full names and surname)

hereby make oath and state or solemnly affirm that:

1.1 I am the applicant in this matter and the Plaintiff or Defendant (delete whichever is not applicable) in a matter instituted in the Small Claims Court in
(state the area) under case number

1.2 The respondent in this matter is the Plaintiff or Defendant (delete whichever is not applicable) in a matter referred to in paragraph 1.1 above.

1.3 The facts deposed to herein are within my personal knowledge and are to the best of my knowledge and belief true and correct.

2. On the (state date), the Small Claims Court in
..... (area) under case number granted
judgment in favour of the Plaintiff or Defendant (delete whichever is not applicable) for:

.....
.....

3. I apply to the above Honourable Court to review the proceedings presided over by Commissioner (insert name and surname of commissioner) on the following ground or grounds:

3.1 absence of jurisdiction of the court;

3.2 interest in the cause;

3.3 bias;

3.4 malice;

3.5 commission of an offence referred to in section 46(b) of the Small Claims Courts Act, 1984 (Act No. 61 of 1984); or

3.6 gross irregularity with regard to the proceedings

(delete whichever paragraphs above are not applicable and initial next to the deleted paragraph).

4. The grounds, facts and circumstances in support of my application are stated below:

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WHEREFORE I pray that the Court grants the order or orders in the Notice of Review.

.....

APPLICANT

I certify that the deponent has acknowledged that he or she knows and understands the contents of this declaration, which was sworn to/affirmed (delete what is not applicable) and signed before me at (place) on (date) under compliance with the rules promulgated in Government Notice R. 1258 dated 21 July 1972 (as amended).

.....

COMMISSIONER OF OATHS

NAME.....

CAPACITY

ADDRESS

The sections below must be completed by the party bringing the review. Once completed the document must be lodged with the clerk of the court where the Small Claims Court proceedings were held. Make sure that you keep a copy of this document for safe-keeping and make sure that the clerk of the court stamps your copy

Applicant (party bringing the review, name and surname if applicable):

.....

Address of Applicant:

.....

.....

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Your e-mail address (if you have one):

Your telephone or cellular number (if you have one):

.....

To: The Clerk of the Small Claims Court

..... (insert area)

By hand: Received by the Clerk of the Small Claims Court on this day of

..... 20.....

Or Per E-mail: