

23.

O. 10, r. 4(1),
r. 4(2), r. 8(4)

SUMMONS FOR THIRD
PARTY DIRECTIONS

(Title as in Form 20)

To: All parties to the action and their solicitors

1. The [defendant/third party] is applying to the Court for the following orders:
 - (a) The defendant serve a statement of claim on the third party within [number] days from this date, who must file his or her defence within [number] days;
 - (b) [State any other directions as may be required];
 - (c) The said third party be allowed to appear at the trial (or hearing) of this action, and take such part as the Judge may direct, and be bound by the result of the trial (or hearing);
 - (d) The question of the liability of the said third party to indemnify the defendant be determined at the trial (or hearing) of this action, but subsequent thereto; and
 - (e) The costs of this application be [state costs order being sought] and in the third party proceedings.

(Note: where the third party is applying for an order to set aside the third party notice, the following order should be sought.)

*(a) That the third party notice issued on [date] be set aside.
2. The evidence in support of this application is stated in the accompanying affidavit of [state the name of the person making the affidavit].
3. If you wish to contest the application, you must:
 - (a) file an affidavit in reply if you also wish to introduce evidence in this application within 14 days of being served this application and supporting affidavit(s); and
 - (b) attend at the General Division of the High Court/State Courts on the date and time shown above. If you do not attend personally or by lawyer, the Court may make appropriate orders.

Issued by: *Solicitor for the defendant*

[Name, address, email address and telephone number of solicitor]

(Seal of the Court and signature of the Registrar)

(**Use as appropriate*)
