

PRIMARY COURTS' PROCEDURE

Absence of Judge.

36. In the event of the absence of the Judge of a Primary Court without arrangements being made for an acting Judge, it shall be competent for the Registrar of the court to call and postpone to any other date all such cases, whether instituted under this Part or Part IV, as may be fixed before the court for the period during which the Judge is absent.

41. The plaintiff may unite in the same plaint two or more causes of action when they all arise-

What causes of action may be joined.

(a) out of the same transaction or transactions connected with the same subject of action ; or

(b) against the same defendant or defendants.

But it must appear on the face of the plaint that all the causes of action so united are consistent with each other, that they entitle the plaintiff to the same kind of relief, and that they affect all the parties.

PART IV

OF THE MODE OF INSTITUTION OF CIVIL ACTIONS

Institution of action.

37. Subject to the pecuniary or other limitations prescribed by any law, action may be instituted in the Primary Court within the local limits of whose jurisdiction the plaintiff or defendant or where there are two or more plaintiffs or defendants, any one of them resides.

42. Upon such plaint being filed as aforesaid the Primary Court shall appoint a day for the appearance of the defendant, and shall inform the plaintiff thereof; and shall also issue a summons for the appearance of the defendant.

Summons to issue.

Filing of plaint.

38. An action may be instituted in a Primary Court by presenting or transmitting a written statement in plain or concise language duly signed to the court by the plaintiff or the plaintiff may state his case orally to the Judge of such court who shall reduce it into writing and obtain the plaintiffs signature to it or cause it to be reduced into writing and signed and the statement so taken down in writing or the statement presented or transmitted to the court shall be deemed to be the plaint in the case.

PROCEEDINGS ON APPEARANCE

43. (1) At the place and on the day specified in the summons the defendant shall be called upon to admit or deny the plaintiffs claim.

The defendant to appear and admit or deny the claim.

(2) If the defendant shall admit the claim, the Judge of the Primary Court shall enter such admission on the record and shall require the defendant to sign the same and enter judgment for the plaintiff:

if the dependant admits the claim.

Pleadings.

39. The pleadings in a Primary Court shall be limited to the following :-

(a) the plaint of the plaintiff;

(b) the answer and claim in reconvention (if any) of the defendant;

(c) the plaintiffs reply to the defendant's claim in reconvention.

But where there is no claim in reconvention there shall be no further pleadings beyond the answer.

Provided that it shall be lawful for a defendant who cannot conveniently attend the court, to forward his admission to the Registrar of the court signed by himself in the presence and under the attestation of an attorney-at-law known to him and upon the receipt and entry of such admission the Judge shall enter judgment for the plaintiff accordingly.

(3) If the defendant shall deny the claim, the Judge of the Primary Court shall fix the case to be called for a pre-trial hearing.

If the dependant denies the claim.

(4) On the day fixed for pre-trial hearing the Judge of the Primary Court shall wherever appropriate endeavour by every lawful means to conciliate the parties and settle the dispute.

Plaint to be numbered.

40. The plaint shall bear the names and residences of the parties and the date on which it is filed and shall be numbered in the order in which it was filed.