Guidance on Using the Judgment by Default Template

(Form 32/33 of the District Court Rules 2014)

About the judgment by default

If your claim is a liquidated demand, a judgment by default may be requested (without the requirement of formal proof) if a defendant doesn’t file, within the required timeframe, either a statement of defence or a notice of appearance under protest to jurisdiction.

A liquidated demand is a sum that:

* has been quantified in, or can be precisely calculated on the basis of, a contract relied on by the plaintiff; or
* has been determined by agreement, mediation, arbitration, or previous litigation between the same parties; or
* is a reasonable price for goods supplied or services rendered (when no contract quantifies the price.

When requestinging for a judgment by default, you must file a draft judgment with the court. This must either be in Form 32 (judgment by default in case of liquidated demand) or Form 33 (judgment by default in proceeding for recovery of land).

You must file one copy for the court, one copy for you, and one copy for every other person who is a party to the proceedings.

When requesting for a judgment by default (on a liquidated demand), the draft judgment must be accompanied by:

* an informal request to the Registrar for judgment by default
* an affidavit of service (Form 16)
* an affidavit verifying the statement of claim (if the defendant (or their solicitor) was not personally served)
* a memorandum detailing the costs and disbursments sought.

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are fillable form fields, so click on the red text and start typing. The red text will be replaced by the content that you type. If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print and sign it.

In the District Court

Choose an item. Registry

No: Enter the CIV number (court reference number)

Under the: Enter the Act under which the proceeding is being brought (for example, “Fair Trading Act 1986”). Delete this line if not applicable.

In the matter of Enter in a few words what the dispute is about. For example, “a breach of contract”.

Between: Plaintiff’s full name, address and occupation.

(plaintiff)

And: Defendant’s full name, address and occupation.

(defendant)

Note: if there are more than two parties involved, list their names, addresses and occupations in the format above.

If there is a counterclaim, repeat the fields above for any counterclaim plaintiffs/defendants.

Judgment by default

Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing the next event (if known). Delete this line if unknown.

Fill out the option that applies and delete the other option. **NOTE: enter enough lines above so this section is at the bottom of the cover page.**

For an individual: Filed by Person’s name, the Your role in proceedings, e.g. “plaintiff” in person.

OR; for an organisation: Filed by Person’s name, an authorised officer for the Your organisation’s role in proceedings, e.g. “plaintiff”, Enter the name of the organisation.

**Select one of the following two options and delete the other option.**

For form 32 (judgment by default in case of liquidated demand):

Because the defendant has not filed a statement of defence in the court, judgment is given that the plaintiff recover $amount, and $amount for costs.

OR, for form 33 (judgment by default in proceeding for recovery of land):

Because the defendant has not filed a statement of defence in the court, judgment is given that the plaintiff recover possession of the land described in the plaintiff's statement of claim, and $amount for costs.

This section is completed by a Registrar/Deputy Registrar:

Date:

Signature:

(Registrar/Deputy Registrar)