

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.16

Form 5.

WRIT OF SUMMONS

In the National Court of Justice W.S. No. of 20.....

BETWEEN: HAREA AVO, Plaintiff

AND: JOHN PUKARE, Defendant

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To JOHN PUKARE of (place)

The plaintiff makes a claim against you the nature of which is endorsed on the back of this writ.

You are liable to suffer judgement or an order against you unless the prescribed form of notice of your intention to defend this claim is received in the Registry or a sub-registry within (30)* days after service** of this writ of summons on you and you comply with the rules of court relating to your defence.

(Where Order 8 Rule 24 applies, add: You are required to verify your defence.)

WITNESS the Honourable E.F. Chief Justice of our National Court of Justice at Waigani in the Independent State of Papua New Guinea the day of 20.....

Registrar.

Note: This writ is to be served within 2 years from the date of its issue. The defendant(s) may give notice of his (their) intention to defend in person or by a solicitor either (1) by filing it in the appropriate form, duly completed, at the Registry; or (2) by sending it to that office by post.

(Endorsements to be made on back of writ before issue)

STATEMENT OF CLAIM

1. (plead as required by the Rules)

2. (plead as required by the Rules)

The plaintiff claims:

1. (specify the relief claimed)

2. (specify the relief claimed)

(Particulars under Order 8, rr. 29-35 may be given by a heading, for example: PARTICULARS OF INJURIES 1. (state the particulars of injuries) 2. (state the particulars of injuries). These particulars may appear in the relevant place in the statement of facts or separately after the relief claimed, whichever is convenient.)

(Where appropriate insert the particulars required by Order 4, rr. 21 and 22.)

(If the plaintiff sues, or the defendant is sued, in a representative capacity, this must be stated in the endorsement of claim. Where appropriate, add words to satisfy Order 4 Rule 20.)

*(Where Order 4 Rule 10 applies, add: You may, within (30)*** days after service of this writ of summons on you, pay to the plaintiff or his solicitor the amount claimed (together with interest thereon at the rate claimed (if no rate is*

*specified insert "of 8% yearly") from the date of filing of this writ until payment) and also K..... **** for costs.
Further proceedings against you will be stayed when you also file a prescribed form of notice of payment.)*

(Where Order 4 Rule 14(1)(a) applies, add: The plaintiff does not seek to disturb the occupation of (name of occupier).)

(Where Order 10 Rule 2 applies, add: Nominated place for trial: (state a place appointed for sittings of the Court).)

Plaintiff: (name, address and occupation) (a minor)

(Next friend: (name, address and occupation))

Solicitor: (name, address and telephone number)

Solicitor's agent: (name, address and telephone number)

Plaintiff's address for service: (Order 6 Rule 7)

Address of Registry:

In a Writ for service out of the jurisdiction insert appropriate time. **If notice of the writ is to be served insert here "of notice". *If writ is to be served outside Papua New Guinea, insert the appropriate time. ****See Order 4 Rule 10.*