

PAPUA NEW GUINEA
In the National Court of Justice

O.2, rr.22, 23

Form 1.

HEADING.

In the National Court of Justice No. of 20....., at Papua
New Guinea

JOHN PUKARE, Plaintiff

HAREA-AVO, Defendant

HAREA-AVO, Cross-claimant

JOHN PUKARE and HENRY TOMANA, Cross-defendants

HENRY TOMANA, Second cross-claimant

NILANG-SAKO, Second cross-defendant

(Specimen heading where there are cross-claims. Replace the names with those of the parties.)

PAPUA NEW GUINEA
In the National Court of Justice

O.2, rr.22, 23

Form 2.

HEADING.

In the National Court of Justice No. of 20....., at Papua
New Guinea

JOHN PUKARE and others, Plaintiffs

HAREA-AVO, Defendant and Cross-claimant

(Specimen heading where there are several plaintiffs. Replace the names with those of the parties.)

PAPUA NEW GUINEA
In the National Court of Justice

O.2, r.24

Form 3.

HEADING WHERE NO DEFENDANT.

In the National Court of Justice No. of 20....., at Papua
New Guinea

The application of HENRY TOMANA

(Specimen heading where there is no defendant. Replace the name with that of the applicant.)

PAPUA NEW GUINEA
In the National Court of Justice

O.2, r.30

Form 4.

CONCLUSION OF DOCUMENTS.

(Conclusion of documents for signature by a party unless otherwise indicated or required.)

(Signature)

Plaintiff's Solicitor.

Filed (dated if not filed): 20.....

(The address is not necessary because it must appear on the backsheet. The appropriate alteration must be made where Order 2 Rule 27(2) (relating to signature for a solicitor) applies. See also Order 2 Division 3, generally.)

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.*

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.26

Form 6.

ORIGINATING SUMMONS (Stating appointment for hearing)

(heading as in Form 1 or Form 3)

The plaintiff claims--

1. An order making provision for his maintenance, education and advancement in life pursuant to (Act) out of the estate of (name) late of (place) (occupation) deceased.

2. An order that (or as required) (or)

1. A declaration that

2. An order that (or as required) (or)

The plaintiff claims an order that

(Where there is a defendant, add the following--)

To the defendant:

If there is no attendance before the Court by you or by your counsel or solicitor at the time and place specified below, the proceedings may be heard and you will be liable to suffer judgement or an order against you in your absence.

Before any attendance at that time you must give notice of your intention to defend this claim.

Time: 20....., at a.m./p.m.

Place: (address of Court)

(Where the time for service under Order 4 Rule 26(3) has been abridged, add: The time before which this summons is to be served has been abridged by the Court to a.m./p.m. on, or as the case may require.)

(Where there is no defendant, add: Time and place for hearing. Time: 20....., at a.m./p.m.

Place: (address of 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:

Note: 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.

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.27

Form 7.

ORIGINATING SUMMONS (Hearing to be appointed)

(heading as in Form 1 or Form 3)

The plaintiff claims--

(state the relief claimed in the manner indicated in the form of originating summons Form 6).

(Where there is a defendant, add the following--)

To the defendant:

You are liable to suffer judgement or an order against you unless the prescribed form of intention to defend this claim is received in the Registry within (30) days after service of this summons on you.

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:

Note: 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.

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.10

Form 8.

NOTICE OF PAYMENT

(heading as in Form 1 or Form 3)

On, 20....., the defendant paid to the plaintiff K....., made up as follows:

Amount claimed	K.....
Costs	K.....
(Interest at the rate of% from 20....., until the above date of payment)	K.....
Total	K.....

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.14

Form 9.

NOTICE OF CLAIM FOR POSSESSION

(heading as in Form 1 or Form 3)

To (name of occupier) of (describe land).

In the document served with this notice the plaintiff claims possession of the above land. You are served as a person in occupation of it or of part of it.

You may apply to the Court for an order that you be added as a defendant.

If you do not so apply within (21) days after this notice is served on you (or, where Order 4 Rule 14(1)(b)(i) applies, at or before the appointment for hearing stated in the summons served with this notice) you may be evicted from the above land pursuant to a judgement entered in your absence.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.29

Form 10.

APPOINTMENT FOR HEARING

(heading as in Form 1 or Form 3)

The Court appoints 20....., at a.m./p.m. at (address of Court) for the hearing.

(Signature and description of Officer of the Court)

Filed: 20.....

PAPUA NEW GUINEA
In the National Court of Justice

O.4, r.40

Form 11.

NOTICE OF MOTION

(heading as in Form 1 or Form 3)

The plaintiff will at a.m./p.m. on 20....., at (address of Court) move the Court for orders--

1. (state concisely the nature of each order which is sought but not the grounds of the application).

2.

(Where the time for service under Order 4 Rule 42 has been abridged, add: The time before which this notice of motion is to be served has been abridged by the Court to a.m./p.m. on 20....., or as the case may require.)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

To: (name each party affected by the above order sought).

PAPUA NEW GUINEA
In the National Court of Justice

O.6, r.20(5)

Form 12.

NOTICE TO BE SERVED OUTSIDE PAPUA NEW GUINEA IN LIEU OF WRIT

(heading as in Form 1 or Form 3)

To C.D. of

A.B., of, has commenced an action against you, C.D., in the National Court of Justice by writ of summons of that Court dated the day of 20....., which writ is endorsed as follows (copy in full the endorsements) and you are required within days after the receipt of this notice, inclusive of the day of such receipt, to give notice of your intention to defend the action; and, in default of your so doing, the said A.B. may, by leave of the Court, proceed therein, and judgement may be given in your absence.

You may give notice of your intention to defend the action either personally or by your solicitor at the Registry of the Court at Waigani.

(Signed) A.B. of &c.

S.Y. of &c., Solicitor of A.B.

N.B.--This notice is to be used where the person to be served is not within the Independent State of Papua New Guinea.

PAPUA NEW GUINEA
In the National Court of Justice

O.6, r.28

Form 13.

REQUEST FOR SPECIAL SERVICE

(heading as in Form 1 or Form 3)

It is requested that the sealed copy of (description of document) be served on (name) (whose address is) in (country) by (describe special manner).

(Follow the prescribed form of conclusion of documents for use by a party, Form 4 and, after the translation, add the certificate.)

I (name), of (address), certify--

1. That what appears above is a translation of the document annexed and marked "A";
2. That my qualifications to translate from the English language to the (name) language are (state qualifications).

Dated 20.....

(Signed)

(The annexure must bear a note in the same language--"This is the annexure marked 'A' referred to in my certificate dated 20.....")

PAPUA NEW GUINEA
In the National Court of Justice

O.6, r.28

Form 14.

REQUEST FOR SERVICE

(heading as in Form 1 or Form 3)

To the Registrar:

I (name) request that a sealed copy of (description of document) be transmitted to (country) for service on (name), of (address) (pursuant to the convention made between and) and I undertake to pay to you an amount equal to the sum of all expenses incurred in consequence of this request.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.7, r.4

Form 15.

NOTICE OF INTENTION TO DEFEND

(heading as in Form 1 or Form 3)

HAREA AVO of (address) (occupation) intends to defend this action (originating summons).

(He is a partner in the defendant firm.)

(He is a minor (mentally disordered person); his guardian at law is KORA AVO.)

(Where a defendant wishes to make a request under Order 7 Rule 5(3) add: The Registrar is requested to deal with the copy (two copies) of this notice under Order 7 Rule 5(3).)

(Add other notices, for example, under Order 8 Rule 43, relating to notice for pleadings.)

Solicitor: (name) (address) telephone: (number)

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

Address for service: (the office of his solicitor, or as the case may be: see Order 6 Rule 7)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

(This notice may be added to a notice of motion of a person applying to be added as a defendant, for example, under Order 5 Rule 8(3).)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.4

Form 16.

DEFENCE

(heading as in Form 1 or Form 3)

(Plead as required by the Rules, for example--

1. The defendant denies etc.)

(or, where one of two or more defendants,

DEFENCE OF HAREA-AVO

1. This defendant denies etc.)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4, and, where Order 8 Rule 24 applies, add:)

AFFIDAVIT

On 20....., I (name) of (address) (occupation) say on oath:

1. I am the defendant.

2. The defence set out above is true in substance and in fact.

Sworn etc.

(For a defence to a cross-claim see the prescribed form of defence and cross-claim, Form 20.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.5

Form 17.

REPLY

(heading as in Form 1 or Form 3)

(Plead as required by the Rules, and see Order 8 Rule 22, relating to joinder of issue.)

1.

2.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.5(2)

Form 18.

REPLY AND DEFENCE TO CROSS-CLAIM

(heading as in Form 1 or Form 3)

REPLY

(Plead as required by the Rules.)

1.

DEFENCE TO CROSS-CLAIM

(Plead as required by the Rules.)

1.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.13(3)

Form 19.

NOTICE TO PLEAD FACTS

(heading as in Form 1 or Form 3)

To the plaintiff (cross-defendant): The defendant (cross-claimant), pursuant to Order 8 Rule 13(3) requires you (in respect of your cross-claim) to plead the facts on which you rely.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.39

Form 20.

DEFENCE AND CROSS-CLAIM

In the National Court of Justice at Papua New Guinea No. of 20.....

JOHN PUKARE, Plaintiff

HAREA-AVO, Defendant

HAREA-AVO, Cross-claimant

JOHN PUKARE, Cross-defendant

DEFENCE

1. (plead as required by the Rules and see the prescribed form of defence under Order 8 Rule 4.)
2. (plead as required by the Rules and see the prescribed form of defence under Order 8 Rule 4.)

CROSS-CLAIM

The cross-claimant HAREA-AVO claims--

1. (specify the relief claimed)
2. (specify the relief claimed)

(Particulars under Order 8 Division 2 may be given in the manner indicated in the prescribed form of statement of claim, Form 5.)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.39

Form 21.

SECOND CROSS-CLAIM

(heading as in Form 1 or Form 3)

(Read this form with Form 20.)

1. (plead as required by the Rules including the facts required by Order 8, rule 39(6).)
2. (plead as required by the Rules including the facts required by Order 8, rule 39(6).)

The second cross-claimant HENRY TOMANA claims--

1. (specify the relief claimed)
2. (specify the relief claimed)

(Particulars under Order 8 Division 2 may be given in the manner indicated in the form of statement of claim, Order 8 Rule 39.)

To NILANG-SAKO:

1. You are liable to suffer judgement or an order against you unless the prescribed form of notice of your intention to defend is received in the Registry within (30) days after service of this statement of cross-claim on you and you comply with the rules of court relating to your defence.
2. (Where Order 8 Rule 24 applies, add: You are required to verify your defence.)
3. (Where Order 4 Rule 10 applies, add: You may, within (30) days after service of this second cross-claim on you, pay to HENRY TOMANA 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 second cross-claim 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.)

Second cross-claimant: (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)

Second cross-claimant's address for service: (Order 6 Rule 7)

Address of Registry:

(See Order 4 Rule 10.)*

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.43

Form 22.

NOTICE FOR PLEADINGS

(heading as in Form 1 or Form 3)

To (name): (name) requires you to serve on him, within (3) days after service of this notice upon you, copies of all pleadings (or as the case may require) filed before the filing of your cross-claim.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.56

Form 23.

NOTICE OF AMENDMENTS

(heading as in Form 1 or Form 3)

The (describe document) was amended on 20....., pursuant to an order made on 20....., (pursuant to Order Rule) by--

omitting "....."

(omitting "....." and inserting ".....")

(inserting ".....")

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.71

Form 24.

NOTICE OF DEPOSIT

(heading as in Form 1 or Form 3)

The defendant has paid (filed a security to pay) into Court K.....

That sum is in answer to the cause of action (all the causes of action) on which the plaintiff claims (and after taking into account this defendant's cause of action (for (specify)) on his cross-claim).

or

Of that sum, K..... is in answer to the cause of action for (specify) on which the plaintiff claims (and after taking into account as above) and K..... is in answer to the cause of action for (specify) on which the plaintiff claims (and after taking into account as above).

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.74

Form 25.

NOTICE OF WITHDRAWAL OF DEPOSIT

(heading as in Form 1 or Form 3)

Pursuant to leave granted by the Court on 20....., the defendant withdraws the deposit of K..... brought into Court by him on 20.....

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.75(2)

Form 26.

NOTICE OF ACCEPTANCE

(heading as in Form 1 or Form 3)

The plaintiff accepts K..... brought into Court by the defendant, C.D., in satisfaction of the causes of action in answer to which it was so brought in, as against C.D. (and abandons all his other causes of action as against C.D.) (and abandons those causes of action as against the defendants E.F. and G.H.).

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.75(5)

Form 27.

NOTICE CONFIRMING DEPOSIT

(heading as in Form 1 or Form 3)

The defendant confirms the notice dated 20....., of deposit of K..... brought into Court before the beginning of the trial.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.77

Form 28.

NOTICE WITHDRAWING ACCEPTANCE

(heading as in Form 1 or Form 3)

(Pursuant to leave granted by the Court on 20.....,) the plaintiff withdraws his acceptance of money brought into Court by the defendant (name), being the acceptance mentioned in the plaintiff's notice of acceptance dated 20.....

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.8, r.81

Form 29.

SECURITY TO PAY INTO COURT

(heading as in Form 1 or Form 3)

(Name of authorized person under Order 8 Rule 81) whose address for service is
promises to the Registrar to pay K..... into Court according to the requirements of Order 8
Division 6 of the Rules.

Signed

or

The Common Seal (and so on)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.1

Form 30.

NOTICE FOR DISCOVERY

(heading as in Form 1 or Form 3)

To the Defendant:

The plaintiff requires you to give discovery of documents with (without) verification within (15) days after service of this notice on you.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.6

Form 31.

LIST OF DOCUMENTS

(heading as in Form 1 or Form 3)

Pursuant to notice filed (or order made) on 20....., the defendant says:

1. The defendant has in his possession, custody or power, the documents enumerated in Schedule 1.
2. The documents enumerated in Part 2 of Schedule 1 are privileged from production on the ground-
-
 - (a) as to documents numbered 4 to 7 inclusive, that (state the ground);
 - (b) as to documents 8 and 9, that (state the ground).
3. The defendant has had, but does not now have, in his possession, custody or power, the document enumerated in Schedule 2.
4. (a) document 10, referred to in Schedule 2 was last in the defendant's possession, custody or power on (state when); (b) (state what has become of it); or (c) to the best of the defendant's knowledge, information and belief, (state in whose possession, custody or power it is and where it is).
5. To the best of the defendant's knowledge, information and belief neither the defendant nor his solicitor nor any other person on his behalf has now, or ever had, in his possession, custody or power, any document relating to any matter in question between the plaintiff and the defendant (to be altered according to the terms of any order made under Order 9 Rule 5), other than the documents enumerated in the said Schedules 1 and 2.

(Describe each document in the schedules as original or copy, see Order 9 Rule 31.)

SCHEDULE 1.

Part 1.

1.
2.
3.

Part 2.

4.
5.
6.
7.
8.
9.

SCHEDULE 2.

10.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

AFFIDAVIT

On 20....., I, (name), say on oath--

1. I am the defendant.

2. The statements of fact made in Paragraphs 1, 2, 3, 4 and 5 of the above list are true.

Sworn etc.

I certify that, according to my instructions, this list and the statements in it are correct.

The documents enumerated in Part 1 of Schedule 1 may be inspected at (address)
on 20....., between (specify time under Order 9 Rule 6).

Defendant's Solicitor

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.9

Form 32.

NOTICE TO PRODUCE DOCUMENTS

(heading as in Form 1 or Form 3)

The plaintiff (or defendant) requires you to produce for his inspection the following documents referred to in your statement of claim (or defence, or affidavit), dated the day of 20.....

(describe documents required)

.....

Dated the day of 20.....

To Solicitor for

(Signature)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.9

Form 33.

NOTICE OF APPOINTMENT TO INSPECT DOCUMENTS

(heading as in Form 1 or Form 3)

You can inspect the documents mentioned in your notice of the day of
20....., (except the deed numbered in that notice)

(here set out particulars required by Order 9 Rule 9(3)(c) where appropriate)

at my office on next the instant between the hours of and
o'clock.

Dated the day of 20.....

To Solicitor for

(Signature)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.17

Form 34.

NOTICE TO ANSWER INTERROGATORIES

(heading as in Form 1 or Form 3)

Within (15) days after service of this notice on each of them respectively, the defendant C.D. is required to answer interrogatories numbered 1 to 8 (and verify his answers) and the defendant E.F. is required to answer interrogatories numbered 1 to 12 (and verify his answers).

INTERROGATORIES

1. (state the question)

2. (state the question)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.22

Form 35.

STATEMENT IN ANSWER TO INTERROGATORIES

(heading as in Form 1 or Form 3)

The defendant C.D. answers the plaintiff's interrogatories specified in notice filed on 20....., as follows:

1A. (State in full the interrogatory.)

1B. (State the answer.)

2A. (State in full the interrogatory.)

2B. (a) The defendant objects to answer on the grounds of privilege; (b) (State the facts on which this objection is based.)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.22

Form 36.

VERIFIED STATEMENT IN ANSWER TO INTERROGATORIES

(heading as in Form 1 or Form 3)

The defendant E.F. Pty Ltd answers the plaintiff's interrogatories specified in notice filed on 20....., as follows:

1A. (State in full the interrogatory.)

1B. (State the answer.)

2A. (State in full the interrogatory.)

2B. (a) The defendant objects to answer on the grounds of privilege; (b) (State the facts on which this objection is based.)

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

AFFIDAVIT

On 20....., I (name) of (address) (occupation) say on oath--

1. I am the secretary of the defendant and am authorized to make this affidavit on its behalf.
2. (The deponent should state which of the answers are true to his own knowledge and which are true to the best of his knowledge, information and belief based on his inquiries of officers of the company and others and on his other investigations.)

Sworn etc.

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.35

Form 37.

NOTICE TO ADMIT FACTS (AND AUTHENTICITY OF DOCUMENTS)

(heading as in Form 1 or Form 3)

To the Defendant:

The plaintiff requires you to admit for the purpose of these proceedings only--

1. (state each fact)
2. (state each fact)

The plaintiff requires you to admit for the purpose of these proceedings only the authenticity of the following documents--

1. (describe each document)
2. (describe each document)

If you do not, within 14 days after service of this notice on you, serve a notice on the plaintiff disputing any fact (and the authenticity of any document) above specified, that fact (and the authenticity of that document) shall, for the purpose of these proceedings, be admitted by you in favour of the plaintiff.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.35

Form 38.

NOTICE DISPUTING FACTS (AND AUTHENTICITY OF DOCUMENTS)

(heading as in Form 1 or Form 3)

The defendant disputes the following facts specified in the plaintiff's notice dated
20.....--

1. (state each fact)

2. (state each fact)

(The defendant disputes the authenticity of the following documents which were specified in the
plaintiff's notice (or list of documents) dated 20.....--

1. (describe each document)

2. (describe each document))

(The defendant admits--

1. (state each fact or describe each document)

2. (state each fact or describe each document))

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.9, r.37

Form 39.

NOTICE FOR MEDICAL EXAMINATION

(heading as in Form 1 or Form 3)

You are requested to arrange for (the person concerned) to submit to a medical examination by Dr.
..... (name) at (set out place and time).

(Person concerned) may have a doctor chosen by him (her) to attend the examination. Please inform
me if that is his (her) intention.

Dated the day of 20.....

To Solicitor for

(Signature)

PAPUA NEW GUINEA
In the National Court of Justice

O.10, r.4

Form 40.

NOTICE TO SET DOWN FOR TRIAL

(heading as in Form 1 or Form 3)

The plaintiff requests that the proceedings be set down for trial at (state the place for trial as fixed by or under Order 10 Rule 2) generally (or for trial of the following issues: (state the issues)).

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.10, r.9

Form 41.

NOTICE OF TRIAL

(heading as in Form 1 or Form 3)

This cause (or the issues in this ordered to be tried or inquiry for the assessment of damages in this) will be tried at Waigani (or as the case may be) on (date).

Dated the day of 20.....

Registrar.

To, Defendant's Solicitor (or as the case may be).

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.2

Form 42.

ORDER (Prisoner to be brought before the Court as a witness)

(heading as in Form 1 or Form 3)

THE COURT ORDERS that--

1. The Superintendent of, shall have (name), a prisoner, before this Court to be examined as a witness and duly returned to confinement.
2. The first day on which he is required to have the prisoner before the Court is
20....., at a.m./p.m. at (address of Court).

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.2

Form 43.

NOTICE TO PRODUCE

(heading as in Form 1 or Form 3)

To the Plaintiff:

The defendant requires you to produce at the trial (or otherwise specify the occasion or place) the following documents for the purpose of evidence--

(enumerate the documents or things).

.....

(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.2

Form 44.

SUMMONS FOR PRODUCTION

(heading as in Form 1 or Form 3)

To (name) of (address)

THE COURT ORDERS that you shall attend and produce this summons and the documents and things described in the schedule--

- (a) before (the Court or as the case may be);
- (b) at (address of Court or other place);
- (c) on 20....., at a.m./p.m. and until you are excused from further attending; but--
 - (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you; and
 - (ii) if you are not a party to these proceedings, instead of so attending you may produce this summons and the documents and things described in the schedule to a clerk of the Court at the above place not later than the day before the first day on which you are required to attend.

SCHEDULE

(description)

.....

Dated 20.....

By the Court

(Signature and description of Officer of the Court)

Note: If you do not comply with this summons you may be arrested. Issued at the request of (name), the plaintiff's solicitor (or as the case may be).

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.2

Form 45.

SUMMONS TO GIVE EVIDENCE

(heading as in Form 1 or Form 3)

To (name) of (address)

THE COURT ORDERS that you shall attend for the purpose of giving evidence--

(a) before (the Court or as the case may be);

(b) at (address of Court or place);

(c) on 20....., at a.m./p.m. and until you are excused from further attending;

but you need not attend on any day unless reasonable expenses have been paid or tendered to you.

Dated 20.....

By the Court

(Signature and description of Officer of the Court)

Note: If you do not comply with this summons you may be arrested. Issued at the request of (name), the plaintiff's solicitor (or as the case may be).

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.2

Form 46.

SUMMONS FOR PRODUCTION AND TO GIVE EVIDENCE

(heading as in Form 1 or Form 3)

To (name) of (address)

THE COURT ORDERS that you shall attend and produce this summons and the documents and things described in the schedule and attend for the purpose of giving evidence--

(a) before (the Court or as the case may be);

(b) at (address of Court or place);

(c) on 20....., at a.m./p.m. and until you are excused from further attending; but you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you.

SCHEDULE

(description)

.....

Dated 20.....

By the Court

(Signature and description of Officer of the Court)

Note: If you do not comply with this summons you may be arrested. Issued at the request of (name), the plaintiff's solicitor (or as the case may be).

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.8

Form 47.

ORDER FOR EXAMINATION

(heading as in Form 1 or Form 3)

THE COURT ORDERS that (name) of (address within the State)
be examined on oath before (name and address or describe examiner).

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.8

Form 48.

ORDER APPOINTING EXAMINER

(heading as in Form 1 or Form 3)

THE COURT ORDERS--

1. That (name and address (or description)) be appointed examiner for the purpose of taking the examination on oath of a witness (name) of (address out of Papua New Guinea) in accordance with the Rules of this Court (but without the power to compel a witness to attend, if this is required by a convention).
2. That the party obtaining this order give to each other interested party (7) days' notice in writing of the date on which he proposes to send the minute of this order to the examiner.
3. That not less than (4) days after that notice has been given each party shall give to the other the name of his agent at (place) to whom notices may be sent.

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.8

Form 49.

ORDER (Letter of request)

(heading as in Form 1 or Form 3)

THE COURT ORDERS that a letter of request be sent to the judicial authorities of
(country) to take or cause to be taken the evidence of (name).

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.11, r.22

Form 50.

AFFIDAVIT

(heading as in Form 1 or Form 3)

On 20....., I (name, address and occupation) say on oath--

1.

2.

Sworn at (place)

before me:

(or)

AFFIDAVIT

On 20....., I (name, address and occupation) and on
..... 20....., I (name, address and occupation) say on oath--

1. We are the directors of etc.

2. I, (name) am a director of etc.

Sworn by (name) at (place) before me:

Sworn by (name) at (place) before me:

(Where Order 11 Rule 22(4) applies: It appearing to me that the deponent is blind, I certify that this affidavit was read to him in my presence and that he seemed to understand it. (Signature))

PAPUA NEW GUINEA
In the National Court of Justice

O.12, r.17

Form 51.

FORM OF JUDGEMENT

(heading as in Form 1 or Form 3)

1. General form of judgement--

JUDGEMENT--that--(terms of the judgement, in numbered paragraphs, if necessary).

This judgement takes effect on (insert the date fixed by reference to Order 12 Rule 3).

By the Court
Registrar

2. Terms of particular judgments--

(a) Damages to be assessed

JUDGEMENT--that the defendant is liable to the plaintiff for damages and for costs.

THE COURT ORDERS that the damages be assessed.

(b) Debt or damages

JUDGEMENT--that the defendant pay to the plaintiff K..... (amount of debt or damages) and K..... costs (or as the case may be).

(c) Possession of land

JUDGEMENT--

1. That the defendant give the plaintiff possession of the land described in the schedule (but so as not to disturb the occupation of (name of occupier)).

2. That the defendant pay to the plaintiff K..... costs (or as the case may be).

SCHEDULE

(Describe land)

(d) Detention of goods

JUDGEMENT--that the defendant is liable to the plaintiff--

1. For the value of (or delivery to the plaintiff of) the goods described in the schedule;

2. (for damages); and

3. (for costs).

THE COURT ORDERS that the value of the goods (and the damages) be assessed.

SCHEDULE

(Describe goods)

(In the above form, where judgement is entered by default under Order 12 Rule 29, omit the appropriate words in brackets according to whether Rule 29(a) or (b) applies.)

(e) Detention of goods

JUDGEMENT--

1. That the defendant deliver to the plaintiff the goods described in the schedule (or pay to the plaintiff K..... the value of the goods described in the schedule);
2. That the defendant pay to the plaintiff K..... damages; and
3. That the defendant pay to the plaintiff K..... costs (or as the case may be).

SCHEDULE

(Describe goods)

PAPUA NEW GUINEA
In the National Court of Justice

O.12, r.18

Form 52.

GENERAL FORM OF MINUTE OF ORDER

(heading as in Form 1 or Form 3)

ORDER

THE COURT ORDERS that--

1.

2.

3.

Ordered 20....., and entered 20.....

(Judge)

(or by the Court, Registrar)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.3

Form 53.

WRIT OF POSSESSION

(heading as in Form 1 or Form 3)

TO THE SHERIFF:

In respect of the judgement entered on 20....., enter the land described in the schedule and cause the plaintiff (name) to have vacant possession of it (but, so as not to disturb the occupation of (name, description and extent of restriction as directed in the judgement)) (and levy on the property of (name), which is authorized to be taken in execution for--

continue as in Writ for Levy of Property, Form 58).

SCHEDULE

(Describe the land as in the judgement.)

Issued 20.....

By the Court

Registrar

Issued at the request of (the plaintiff (name and address) or (name) of (address and telephone number) solicitor for the plaintiff (name and address)).

(The defendant resides at (address).)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.4

Form 54.

WRIT OF SPECIFIC DELIVERY

(heading as in Form 1 or Form 3)

TO THE SHERIFF:

In respect of the judgement entered on 20....., cause the goods described in the schedule to be delivered to (name) (and levy on the property of (name), which is authorized by law to be taken in execution for--

continue as in Writ for Levy of Property, Form 58).

SCHEDULE

(Describe the goods as in the judgement.)

Issued 20.....

By the Court

Registrar

Issued at the request of (the plaintiff (name and address) or (name) of (address and telephone number) solicitor for the plaintiff (name and address)).

(The defendant resides at (address).)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.4

Form 55.

WRIT OF DELIVERY

(heading as in Form 1 or Form 3)

TO THE SHERIFF:

In respect of the judgement entered on 20....., cause the goods described in the schedule to be delivered to (name) and levy on the property of (name) which is authorized by law to be taken in execution--

(a) if you cannot cause the goods to be so delivered, for K..... (amount of value of goods assessed under the judgement);

(b) for the amount payable under the judgement, being K..... (amount of damages) on 20....., (continue as in Writ for Levy of Property, Form 58);

(c) for K..... being costs of this writ; and

(d) for your fees,

and pay the amount so levied other than your fees, to (name) or otherwise as the law may require.

SCHEDULE

(Describe the goods as in the judgement.)

Issued 20.....

By the Court

Registrar

Issued at the request of (the plaintiff (name and address) or (name) of (address and telephone number) solicitor for the plaintiff (name and address)).

(The defendant resides at (address).)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.7(2)

Form 56.

MINUTE OF ORDER (Notice to corporation and officer)

(No heading or title: for subscribing to the minute of order.)

To (name of corporation) and (name of officer):

If (name of corporation) neglects to obey this order within the time specified in the order (disobeys this order, as the case may be) (name of officer) and (name of corporation) will be liable to sequestration of property and (name of officer) to imprisonment.

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.13

Form 57.

ORDER (Examination of judgment debtor)

(heading as in Form 1 or Form 3)

THE COURT ORDERS that--

1. HENRY TOMANA of (address) shall attend--

- (a) before (the Registrar or as the case may be);
- (b) at (address of Court or place);
- (c) on 20....., at a.m./p.m. and until he is excused from further attending;
- (d) for the purpose of being examined as to the question--(i) whether any and, if so, what debts are owing to him; and (ii) whether he has any and, if so, what other property or means of satisfying the judgement or order by which he is bound; (iii) as to the whereabouts of the goods which he is bound, pursuant to the judgement which has been entered against him, to deliver to the plaintiff, or as the case may be).

2. HENRY TOMANA shall attend and produce all documents or things in his possession, power or custody relating to those questions (and--here specify particular documents or things, if any).

3. He need not attend or produce any document on any day unless his reasonable expenses have been paid or tendered to him.

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.28

Form 58.

WRIT FOR LEVY OF PROPERTY

(heading as in Form 1 or Form 3)

TO THE SHERIFF:

In respect of the judgement (order) entered on 20....., levy on the property of (name), which is authorized by law to be taken in execution, for--

(a) the amount payable under the judgement (order) being K..... on 20....., (plus interest at the yearly rate of% on the principal sum of K..... from that date, that is K..... daily), subject to any payment in reduction thereof;

(b) K..... being costs of this writ; and

(c) your fees,

and pay the amount so levied other than your fees, to (name) or otherwise as the law may require.

Issued 20.....

By the Court

Registrar

Issued at the request of (the plaintiff (name and address) or (name) of (address and telephone number) solicitor for the plaintiff (name and address)).

(The defendant resides at (address).)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.36

Form 59.

NOTICE OF CLAIM (Interpleader)

(Heading and title if possible.)

The claimant claims the property described in the schedule, being (part of) the property taken (intended to be taken) in execution by the Sheriff at (address) under process against (name).

SCHEDULE

(description)

Dated 20.....

(Signature)

Claimant's Solicitor

Claimant: (name)

Place of abode:

Address for service:

To the execution creditor:

If you do not, within (4) days after service of this notice on you, serve on the Sheriff a notice that you admit this claim, the Court may on application by the Sheriff grant relief by way of interpleader.

If you admit the claim, you will not be liable to the Sheriff for any fees or expenses incurred by him after you serve on him notice that you admit it.

(Signature)

Sheriff

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.56

Form 60.

GARNISHEE NOTICE

(heading as in Form 1 or Form 3)

1. Particulars--

- (a) Judgement creditor: (name, address and occupation).
- (b) Judgement debtor: (name, address and occupation).
- (c) Garnishee: (name, address and occupation).
- (d) Debt: (see Order 13 Rule 56(7)).
- (e) Leave granted on 20.....
- (f) (i) amount due to judgement creditor at the date leave granted K.....; (ii) provision for subsequent interest and for costs K.....; sum required K.....

2. The debt is attached and bound in the hands of the garnishee to the extent of the sum required on and after service of this notice on the garnishee.

3. The judgement creditor will at a.m./p.m. on 20....., at
(address of Court) move the Court for an order for payment under Order 13 of the Rules of Court.

4. The garnishee may pay the debt attached into Court to the extent of the sum required, retaining, if he pays into Court before 20....., K..... for his costs. Otherwise the Court may order him to pay the debt attached to the judgement creditor to the extent of the sum required and interest thereon and costs.

5. Provision exists for the determination at the hearing of any dispute by the garnishee of his liability to the judgement debtor for the debt attached.

(Follow the prescribed form of conclusion of documents for use by a party, Form 4, and add: The address for service of the judgement creditor is (address).)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.71

Form 61.

ORDER (Registration of judgment)

(heading as in Form 1 or Form 3)

THE COURT ORDERS that--

1. The judgement dated, of the (court) by which it was adjudged that (name) pay money to (name) be registered;
2. (name) may within days after service on him of notice of registration apply to set aside the registration;
3. The amount for which judgement may be enforced is K.....;
4. The costs of and incidental to the application for this order and of registration of the judgement be added to the amount specified in Paragraph 3 of this order.

(Complete as in general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.13, r.73

Form 62.

NOTICE OF REGISTRATION OF JUDGEMENT

(heading as in Form 1 or Form 3)

To: (name)

1. The judgement of (here follow the terms of the order) has been registered in this Court;

2. The amount for which judgement may be enforced against you is K..... and K..... for costs;

3. You may, within days after the service of this notice on you, file notice of motion to set aside the registration;

(if applicable and see Order 13 Rule 73(4), 4. The address for service of the above plaintiff, the judgement creditor, is (state address).)

Dated 20.....

Solicitor for Plaintiff

PAPUA NEW GUINEA
In the National Court of Justice

O.14, r.18

Form 63.

DEED (Guarantee for receiver)

(heading as in Form 1 or Form 3)

PARTICULARS

1. Date: 20.....
2. Receiver: (name) (address for service)
3. Guarantor: (name) (address for service)
4. Date of order for appointment of Receiver: 20.....

THIS DEED made between the Guarantor and the Registrar of the National Court of Justice witnesses that the Guarantor promises the Registrar that if the Receiver does not account to the Court for what he receives as Receiver or does not deal with what he receives as Receiver as the Court directs the Guarantor will pay to the Registrar whatever is required to make good the default to a limit of K.....

Signed (and so on).

PAPUA NEW GUINEA
In the National Court of Justice

O.14, r.46

Form 64.

WARRANT FOR ARREST

(heading as in Form 1 or Form 3)

TO THE SHERIFF--

Arrest (name) and bring him before the Court to answer a charge of contempt detaining him in custody in the meantime unless, by paying the sum of K..... into Court (or as the case may be) he gives security for his appearance in person before the Court to answer the charge and to submit to the (judgement or) order of the Court.

Dated 20.....

Judge.

PAPUA NEW GUINEA
In the National Court of Justice

O.14, r.48

Form 65.

WARRANT FOR COMMITTAL

(heading as in Form 1 or Form 3)

TO THE SHERIFF--

Take (name) to (name of Correctional Institution) and deliver him to the Superintendent of that Correctional Institution.

TO THE SUPERINTENDENT OF (name of Correctional Institution)

Receive (name) into your custody and keep him there until the further order of this Court (or as the case may be).

Dated 20.....

Judge.

PAPUA NEW GUINEA
In the National Court of Justice

O.18, r.2

Form 66.

NOTICE OF APPEAL

(heading as in Form 1 or Form 3)

The above-named appellant being aggrieved by a decision of a Local Court hereby appeals from that decision to the National Court.

1. The decision appealed against is the (decision/order/sentence) of the Local Court held at (place) given on (date) whereby (set out).
2. The appellant appeals against the whole of the decision (that part of the decision whereby (set out)).
3. The grounds relied on in support of the appeal are (set out).
4. The order which the appellant seeks in lieu of the decision appealed from is (set out).
5. The full names and addresses of the appellant and respondent respectively are: (a) (name and address) Appellant; (b) (name and address) Respondent.
6. The appellant's solicitor is (name and address) whose telephone number is (set out).

Dated the day of 20.....

Appellant or Appellant's Solicitor(s)

PAPUA NEW GUINEA
In the National Court of Justice

O.18, r.2

Form 67.

CONFIRMATION OF NOTICE OF APPEAL

(heading as in Form 1 or Form 3)

The above-named appellant hereby confirms the notice of appeal given by him against a decision of a Local Court.

1. The decision appealed against is the (decision/order/sentence) of the Local Court held at (place) given on (date) whereby (set out).

2. Notice of appeal was lodged with the Registrar by radiogram on the day of 20.....

3. The appellant appeals against the whole of the decision (that part of the decision whereby (set out)).

4. The grounds relied on in support of the appeal are (set out).

5. The order which the appellant seeks in lieu of the decision appealed from is (set out).

6. The full names and addresses of the appellant and respondent respectively are: (a) (name and address) Appellant; (b) (name and address) Respondent.

Dated the day of 20.....

Appellant or Appellant's Solicitor(s)

PAPUA NEW GUINEA
In the National Court of Justice

O.18, r.4

Form 68.

APPLICATION FOR BAIL

(heading as in Form 1 or Form 3)

The above-named appellant hereby applies to the National Court to be admitted to bail.

In the Local Court held at (place) on (date) the appellant was found guilty of (set out) and was sentenced to (set out) (and it was further ordered (set out)).

The grounds of the application are as follows: (set out)

Notice of appeal against that decision of the Local Court was lodged with the Registrar of the National Court on (date).

Dated the day of 20.....

Applicant or Applicant's Solicitor(s)

This application will be heard at the National Court at on day the day of 20....., at o'clock in the noon or as soon thereafter as counsel may be heard.

Registrar

PAPUA NEW GUINEA
In the National Court of Justice

O.18, r.5

Form 69.

NOTICE OF HEARING OF APPEAL

(heading as in Form 1 or Form 3)

This appeal will be heard at the first sitting of the National Court at (place) to be held after the expiration of (number) days from (date) or as soon thereafter as counsel may be heard.

Dated the day of 20.....

Registrar.

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.8

Form 70.

SUMMONS (Probate, administration or resealing)

(As to heading, see O.19, r.3)

The plaintiff (name) the executor named in the will dated 20.....,
(where applicable and 2 codicils dated (date) and (date)) of
..... (name) late of (place) labourer deceased claims that probate of the
will (where applicable and 2 codicils) be granted to him.

or

The plaintiff (name) a beneficiary named in the will dated 20.....,
(where applicable and 2 codicils dated (date) and (date)) of
..... (name) late of (place) labourer deceased claims that administration
with the will (where applicable and 2 codicils) annexed of the estate of the deceased be granted to
him (where applicable (name) the executor named in the will having renounced
probate) (where applicable and that the administration bond be dispensed with).

or

The plaintiff (name) the widow of (name) late of
(place) labourer deceased claims that administration of the estate of the deceased be granted to her
(where applicable and that the administration bond be dispensed with).

or

The plaintiff (name) (where applicable as attorney of (name))
claims that probate of the will dated 20....., (or, where applicable letters of
administration of the estate) of (name) late of (place) labourer
granted by (description of court) to (name) be sealed with the seal
of this Court (where applicable and that the administration bond be dispensed with).

Plaintiff: (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)

Filed: (date)

(Signature)

Plaintiff's Solicitor

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.10

Form 71.

NOTICE OF INTENDED APPLICATION FOR PROBATE

In the National Court of Justice

After 14 days from publication of this notice an application for probate of the will dated 20....., (where applicable, and 2 codicils dated (date) and (date)) of (NAME IN CAPITALS) late of (place) labourer, will be made by (name). Creditors are required to send particulars of their claims on his estate to (name) solicitors (address) (and, where applicable, or their agents, name, address).

(Form 4 does not apply.)

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.10

Form 72.

NOTICE OF INTENDED APPLICATION FOR ADMINISTRATION

In the National Court of Justice

After 14 days from publication of this notice an application for administration (or where applicable administration with the will dated 20....., annexed) of the estate of (NAME IN CAPITALS) late of (place) labourer, will be made by (name) the (relationship to deceased or capacity of applicant). Creditors are required to send particulars of their claims on his estate to (name) solicitors (address) (and, where applicable, or their agents, name, address).

(Form 4 does not apply.)

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.10

Form 73.

NOTICE OF INTENDED APPLICATION FOR RESEALING

In the National Court of Justice

After 14 days from publication of this notice an application will be made that the probate of the will and codicils (or where applicable letters of administration of the estate) of (NAME IN CAPITALS) late of (place) granted by (court) to (name) be sealed with the seal of this Court. Creditors are required to send particulars of their claims on his estate to (name) solicitors (address) (and, where applicable, or their agents, name, address).

(Form 4 does not apply.)

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.14

Form 74.

RENUNCIATION OF PROBATE

(As to heading, see O.19, r.3.)

I, (name) of (address of place of residence) labourer declare--

1. I am the executor (or one of the executors or as the case may be) appointed by the will dated 20....., (where applicable, and 2 codicils dated (date) and (date)) of (name) late of (place) labourer who died on (date).

2. I have not intermeddled in the estate of the deceased.

3. I renounce all right to probate of the will (where applicable and codicils) and to all trusts, powers and authorities expressed by the will (where applicable and codicils) to be made or given to me.

Dated: (date)

Signed in the presence of }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.15

Form 75.

AFFIDAVIT OF ATTESTING WITNESS

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. On (date) the document annexed and marked "A" was signed as now appears on the document by (name) the deceased as his will in the presence of me and of (name of other witness) present at the same time and then at the request of the deceased attested and subscribed by us in his presence and in the presence of each other.

2. The signatures (set out) and (set out) subscribed as witnesses to the will are respectively those of me and (name of other witness).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.24, 25, 26

Form 76.

AFFIDAVIT OF DEATH

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. I was well acquainted with (name of deceased) late of (place)
(occupation) for (number) years.

2. I saw his dead body on the day he died, that is to say, on (date).

3. I am not interested in his estate.

or in lieu of Paragraphs 2 and 3

2. I believe that he is (name in certificate of registration of death) referred to in the
certificate of registration of death which is annexed and marked "A".

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.24

Form 77.

AFFIDAVIT OF EXECUTOR

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. My full residential address is (address).
2. The document dated (date) and signed in the margin by me and by the person before whom this affidavit is sworn is, I believe, the last will of (name), the deceased.
3. My means of identifying the will are (state these).
4. I am the executor named in the will.
5. The attesting witnesses to the will are (name) and (name).
6. The deceased did (where applicable not) marry after the will was made. (If he did marry state particulars of the marriage.)
7. The deceased left an estate within Papua New Guinea.
8. I am over 21 years of age.
9. (where applicable) (name) one of the executors appointed by the will died on (date).
10. (where applicable) (name) one of the executors named in the will renounced probate of the will on (date).
11. I believe that the estate is under the value of K..... (gross value).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.24, 25, 26, 27

Form 78.

AFFIDAVIT OF PUBLICATION AND SEARCH

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. A notice, a copy of which is annexed and marked "A", was published on (date) in the (name) which is a daily newspaper, circulating in Port Moresby.

2. (where applicable) The notice was also published on (date) in the (name) which is a newspaper published and circulating in the district where (name) the deceased, resided at the time of his death.

3. I have this day searched in the Registry of the Court and have found--(a) no evidence of a caveat having been lodged relating to any grant or reseal being made in the estate of the deceased (or state the evidence); (b) no evidence of a will of the deceased having been deposited in the Registry (or state the evidence); and (c) (where 2 years have elapsed since the date of death) no evidence of any prior application for probate or administration or resealing in the estate having been made.

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.24, 25

Form 79.

OATH OF OFFICE

(As to heading, see O.19, r.3.)

I (name) of (place) labourer swear that if the National Court of Justice grants to me (state the grant sought) of (name) late of (place) labourer I will well and truly administer the estate of the deceased according to law and will render a just and true account of the administration of it to the Court within 12 months from the date of the grant.

Dated: (date)

Sworn by: (name) }

at (place) }

before me: }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.25

Form 80.

AFFIDAVIT OF APPLICANT FOR ADMINISTRATION

(As to heading, see O.19, r.3.)

On 20....., I, (name, address and occupation) say on oath--

1. My full residential address is (address).
2. I am (state relationship to deceased) of (name) late of (place) labourer who died on (date).
3. I believe that the deceased did not leave a will.
4. (State what searches have been made for a will.)
5. (Where the deceased died without issue.) The deceased was born legitimate.
6. The names, ages and relationship to the deceased of his next of kin who survived him are (state these).
7. (State the facts showing that the persons named in Paragraph 6 are the persons entitled to share in the estate and that no other person is entitled. Annex appropriate marriage, birth, death and other certificates.)
8. (Where applicable state the matters referred to in Order 19 Rule 25(1)(b)(vii).)
9. I am over 21 years of age.
10. I am not an undischarged bankrupt and I have not assigned or encumbered my interest in the estate.
11. The deceased left an estate within Papua New Guinea.
12. I am not aware of any claims against the estate (where applicable other than those set out in the affidavit form "D" filed in these proceedings).
13. I believe that the estate is under the value of K..... (gross value).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.25, 33

Form 81.

CONSENT TO ADMINISTRATION

(As to heading, see O.19, r.3.)

I, (name) of (place) labourer am (state relationship) of (name) late of (place) labourer. I am over 21 years of age. I am not an undischarged bankrupt and I have not assigned or encumbered my interest in the estate of the deceased.

I consent to letters of administration being granted to (name) who is (state relationship) of the deceased (where applicable and to an administration bond being dispensed with).

Dated: (date)

Signed in the presence of: }

AFFIDAVIT OF WITNESS TO CONSENT

On 20....., I, (name, address and occupation) say on oath--

1. The above document was signed in my presence on (date) by (name).

2. The signatures (set these out) are respectively my signature and that of (name of person consenting).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.25, 26, 33

Form 82.

ADMINISTRATION BOND

(As to heading, see O.19, r.3.)

We (state the name, address and occupation of the proposed administrator and of each surety to the bond) jointly and severally covenant to pay to The State K..... (penalty of bond) if administration of the estate of (name) late of (place) labourer deceased is granted by the National Court of Justice to the said (name of proposed administrator) and any one or more of the following occurs, namely:

1. He does not collect, get in and administer the estate according to law;
2. He does not pay out of the estate the just debts of the deceased;
3. He prefers any debt of the deceased to him;
4. He does not file or file and pass his accounts relating to the estate within 12 months after the grant and whenever ordered to do so by the Court.

Dated: (date)

Signed sealed and delivered etc.

PAPUA NEW GUINEA
In the National Court of Justice

O.19, rr.25, 26, 33

Form 83.

AFFIDAVIT OF SURETY

(As to heading, see O.19, r.3.)

On 20....., I, (name, address and occupation) say on oath--

1. My full residential address is (state this).
2. I am one of the sureties for (name) the intended administrator of the estate of (name) late of (place) labourer.
3. I am possessed of property to the value of K..... (state value) after deduction of all my just debts and every sum for which I am bail or surety in any civil or criminal matter, action or proceeding.
4. My property consists of (set out in detail the location and nature of assets and whether held severally or jointly with any other person, and state particulars of encumbrances).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.26

Form 84.

**AFFIDAVIT OF APPLICANT FOR ADMINISTRATION WITH THE WILL
ANNEXED**

(As to heading, see O.19, r.3.)

On 20....., I, (name, address and occupation) say on oath--

1. My full residential address is (state this).
2. The document, dated (date) and signed in the margin by me and the person before whom this affidavit is sworn is, I believe, the last will of (name), the deceased.
3. My means of identifying the will are (state these).
4. The executor named in the will is (name) and his full residential address is (state this).
5. The attesting witnesses to the will are (name) and (name).
6. The deceased did (where applicable not) marry after the will was made. (If he did marry state particulars of the marriage.)
7. The deceased left an estate within the Independent State of Papua New Guinea.
8. (Where applicable) (name), the executor named in the will, died on (date).
9. (Where applicable) (name), the executor named in the will, renounced probate of the will on (date).
10. I am over 21 years of age.
11. I am not an undischarged bankrupt and I have not assigned or encumbered my interest in the estate.
12. The names and ages of the persons entitled to share in the estate are (state these). (Where the names of all the persons entitled do not appear on the face of the will, state the facts showing that the persons named in this paragraph are entitled and that no other person is entitled.)
13. I am not aware of any claims against the estate (or as the case may be).
14. I believe that the estate is under the value of K..... (gross value).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.26

Form 85.

RENUNCIATION IN FAVOUR OF PUBLIC CURATOR

(As to heading, see O.19, r.3.)

I, (name) of (address of place of residence) labourer declare--

1. I am the executor (or one of the executors or as the case may be) appointed by will dated 20....., (where applicable and 2 codicils dated (date) and (date)) of (name) late of (place) labourer who died on (date).

2. I have not intermeddled in the estate of the deceased.

3. I renounce all right to probate of the will (where applicable and codicils) and to all trusts, powers and authorities expressed by the will (where applicable and codicils) to be made or given to me.

4. I request the Public Curator to apply for administration with the will (where applicable and codicils) annexed of the estate.

Dated: (date)

Signed in the presence of }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.27

Form 86.

AFFIDAVIT OF APPLICANT FOR RESEALING

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. My full residential address is (state this).
2. (name), the deceased, died at (place) in the Province of (state this) on (date).
3. The deceased died intestate. (or) The deceased left a will dated (date) by which he appointed me (or where applicable (name)) sole executor of it.
4. Probate of the will was (or where applicable letters of administration of the estate of the deceased were) granted by (name of court) to me (or where applicable to (name)) on (date).
5. The grant has not been revoked.
6. (Where applicable) By power of attorney dated (date) (name) appointed me his attorney to apply to this Court to reseal the probate (or letters of administration).
7. (Where applicable) I have not received any notice of revocation of the power of attorney by death, unsoundness of mind, act of the donor or otherwise.
8. The deceased left an estate within the Independent State of Papua New Guinea.
9. I am over 21 years of age.
10. (Where applicable) I am not aware of any claims against the estate (or as the case may be).

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.39

Form 87.

SUMMONS FOR REVOCATION

(As to heading, see O.19, r.3.)

The plaintiff claims that probate of the will (or where applicable letters of administration) of (name) late of (place) labourer granted to him on (date) and numbered (number of grant) be revoked.

Plaintiff: (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)

Filed: (date)

(Signature)

Plaintiff's Solicitor

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.45

Form 88.

REQUEST FOR ISSUE OF CITATION

In the National Court of Justice at

Estate of (name) late of (place) (occupation)

I request that a citation do issue to each of (name of each person to be cited) to take probate of the will dated (date) (or where applicable pray for administration of the estate) of (name) late of (place) labourer.

(Where applicable) I request that the time limited for (name) to answer the citation be (number) days after service on him of the citation.

Person applying: (name, address and occupation)

Solicitor: (name, address and telephone number)

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

Filed: (date)

(Signature)

Solicitor for person applying

or

(Title etc. as in originating process)

I request that a citation to see these proceedings do issue to each of (name of each person to be cited).

Party applying: (name)

Filed: (date)

(Signature)

Solicitor for party applying

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.49

Form 89.

SUMMONS TO SHOW CAUSE

(Heading as in Form 71)

To (person summoned)

You are required to appear before this Honourable Court at on Monday, 20....., to show cause why you should not bring into Court (or why you (the executor) should not prove or renounce probate of) the will of (name, address and occupation) deceased who died on (date) at (place) (or why administration with the will annexed of the estate of (name, address and occupation) deceased, who died on (date) at (place) should not be granted to (name, address and occupation)).

Dated the day of 20.....

Registrar.

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.50

Form 90.

CITATION TO PRAY FOR ADMINISTRATION

In the National Court of Justice at Papua New Guinea

Estate of (name) late of (place) labourer

To (name)

This citation is issued at the request of (name) of (address) labourer who has filed in this Court an affidavit by him stating that--

1. (name) late of (place) labourer died at (place) on (date);

2. He believes that the deceased died without leaving a will (or where applicable he believes that the deceased left a will, a copy of which is annexed and marked "A");

3. (where applicable) no executor was appointed by the will (or where applicable (name) the executor appointed by the will has renounced probate) (or where applicable (name) the executor appointed by the will died on (date));

4. He is (state relationship to the deceased) of the deceased (or where applicable he is a beneficiary under the will) (or where applicable he is a creditor of the deceased).

You are cited to pray for administration of the estate of the deceased. If you wish to comply with this citation you must--

1. Within 14 days after service on you of this citation (or if this citation is served on you outside Papua New Guinea within 3 months after service of it on you) file in the Registry of this Court an answer stating that you intend to apply to the Court for a grant to you of administration of the estate of the deceased; and

2. With reasonable promptness commence proceedings in this Court for a grant to you of administration of the estate of the deceased and pursue those proceedings diligently.

If you do not comply with this citation the Court may grant administration of the estate of the deceased to (name) without further notice to you in your absence.

Dated: (date)

By the Court

Registrar

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.50

Form 91.

ANSWER TO CITATION TO PRAY FOR ADMINISTRATION

(title etc. as in citation)

I (name) of (address) labourer having been served on (date) at (place) with a citation issued at the request of (name) and dated (date) to pray for administration of the estate of (name) late of (place) labourer answer that I intend to apply to this Court for a grant to me of administration of the estate of the deceased.

Solicitor for person cited: (name, address and telephone number)

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

Filed: (date)

(Signature)

Solicitor for the person cited

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.51

Form 92.

CITATION TO TAKE PROBATE

In the National Court of Justice at Papua New Guinea

Estate of (name) late of (place) labourer

To (name)

This citation is issued at the request of (name) of (address) labourer who has filed in the Court an affidavit by him stating that--

1. (name) late of (place) labourer died at (place) on (date);
2. He believes that the deceased left a will, a copy of which is annexed and marked "A", which appoints you the executor (or one of the executors) of it;
3. He is a beneficiary under the will (or where applicable) he is (state relationship to the deceased) of the deceased (or where applicable he is a creditor of the deceased).

You are cited to take probate of the will. If you wish to comply with this citation you must--

1. Within 14 days after service on you of this citation (or if this citation is served on you outside Papua New Guinea within 3 months after service of it on you) file in the Registry of this Court an answer stating that you intend to apply to this Court for a grant to you of probate of the will; and
2. With reasonable promptness commence proceedings in this Court for a grant to you of probate of the will and pursue those proceedings diligently.

If you do not comply with this citation your right in respect of the executorship shall wholly cease, and the representation to the deceased and the administration of his estate shall, without any further renunciation, go, devolve, and be committed in like manner as if you had not been appointed executor.

Dated: (date)

By the Court
Registrar

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.51

Form 93.

ANSWER TO CITATION TO TAKE PROBATE

(title etc. as in citation)

I (name) of (address) labourer having been served on (date) at (place) with a citation issued at the request of (name) and dated (date) to take probate of the will, a copy of which is annexed to the citation, of (name) late of (place) labourer answer that I intend to apply to this Court for a grant to me of probate of the will.

Solicitor for person cited: (name, address and telephone number)

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

Filed: (date)

(Signature)

Solicitor for the person cited

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.52

Form 94.

CITATION TO SEE PROCEEDINGS

(title etc. as in originating process)

To (name)

This citation is issued at the request of (name) of (address) labourer who is the plaintiff (or where applicable a defendant) in proceedings commenced in this Court by writ of summons (or where applicable originating summons). A copy of the writ of summons (or where applicable originating summons) is annexed and marked "A".

(Where a will is referred to in the writ of summons or originating summons) A copy of the will referred to in the writ of summons (or where applicable originating summons) is annexed and marked "B".

The plaintiff has filed an affidavit stating that you have an interest adverse to him in the proceedings in that (state the adverse interest).

If you do not answer this citation by giving notice of your intention to defend the proceedings before the proceedings are heard and determined, the Court may hear and determine the proceedings in your absence with such consequence as may ensue according to law.

Dated: (date)

By the Court
Registrar

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.60

Form 95.

CAVEAT (Against grant or reseal)

In the National Court of Justice

Estate of (name) late of (place) labourer

I demand that no grant or reseal be made in the estate of (name) late of
..... (place) labourer without prior notice to me.

My interest is (state this).

Caveator: (name, address and occupation)

Solicitor: (name, address and telephone number)

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

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

Lodged: (date)

(Signature)

Caveator's Solicitor

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.61

Form 96.

CAVEAT (Requiring proof in solemn form)

In the National Court of Justice

Estate of (name) late of (place) labourer

I require that any will (or where applicable the will dated (date) or otherwise identify the will) of
..... (name) late of (place) labourer be proved in solemn form.

My interest is (state this).

Caveator: (name, address and occupation)

Solicitor: (name, address and telephone number)

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

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

Lodged: (date)

(Signature)

Caveator's Solicitor

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.72

Form 97.

INVENTORY

(As to heading, see O.19, r.3.)

Inventory of Estate of Deceased

Particulars of Property (set out under appropriate headings similar to the following)	Estimated Value K
--	--------------------------

Cash in hand	K.....
Cash at Bank	K.....
Machinery	K.....
Stock in trade	K.....
Growing crops and farm stock	K.....
Household furniture	K.....
Personal effects	K.....
Motor vehicles, less H.P. agreements	K.....
Stocks, shares and bonds	K.....
Mortgages	K.....
Matrimonial home	K.....
Other freehold property	K.....
Other leasehold property	K.....
Total value	K.....

(Signature) of Executor/Administrator

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.72

Form 98.

AFFIDAVIT VERIFYING INVENTORY

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. The paper writing hereto annexed marked "A" is a true inventory of all and singular the real and personal estate and effects of A.B., late of, deceased, who died on or about, at, which have at any time since his death come to the hands, possession, or knowledge of me, C.D. (or us, C.D. and E.F. (and G.H.)), the executor (or executors) of the will (or administrator (or administrators) with the will of the personal estate) of the said A.B. (or administrator (or administrators) of the (real and) personal estate of the said A.B. (or as the case may be)), or to the hands or possession of any person for me (or us or any (or either) of us), and is made upon and by virtue of the undertaking contained in my (or our) petition filed on

2. And I (or we, each speaking positively for himself and to the best of his knowledge and belief as to other persons,) further say that, except as appears in the said paper writing no (real or) personal estate of or belonging to the said deceased has at any time since his death come to my (or our) hands, possession, or knowledge, or the hands or possession of (any (or either) of us or) any person for me (or us or any (or either) of us).

(In the case of two or more executors, use the words in brackets.)

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.73

Form 99.

ADMINISTRATION ACCOUNT

(As to heading, see O.19, r.3.)

ACCOUNT OF EXECUTOR(S), (ADMINISTRATOR(S)), (TRUSTEE(S))

Date.	Particulars.	Corpus. K	Income. K	Bank. K	Date.	Particulars.	Corpus. K	Income. K	Bank. K

Totals: Corpus K..... Income K..... Bank K.....

Totals: Corpus K..... Income K..... Bank K.....

(SIGNATURE) (DATE)

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.73

Form 100.

AFFIDAVIT VERIFYING ACCOUNT

(As to heading, see O.19, r.3.)

On 20....., I (name, address and occupation) say on oath--

1. I am the executor of the will (or administrator of the estate) of A.B. late of
(address), deceased.

2. The said A.B. died on (or on or about) the day of 20.....

3. On the day of 20....., probate of the said will (administration of the estate
of the said A.B.) was granted to me as such executor (administrator) by this Honourable Court.

4. Annexed hereto and marked with the letter "A" is a true account of my administration of the estate
of the said A.B. which has come into my hands or into the hands of any person on my behalf or for
my use.

Sworn at }

before me }

PAPUA NEW GUINEA
In the National Court of Justice

O.19, r.76

Form 101.

NOTICE OF FILING OF ACCOUNTS

In the National Court of Justice

Accounts in the estate of (NAME IN CAPITALS) late of (place) labourer have been filed in the Registry of the Court and are there available for inspection. The executor (or administrator or as the case may be) seeks an order passing the accounts (where applicable and an order for commission) and has obtained for this purpose an appointment to vouch the accounts before an accounts clerk of the Court on (date) at (time). Any person interested may attend.

PAPUA NEW GUINEA
In the National Court of Justice

O.20, r.6

Form 102.

SUMMONS (Adoption)

(heading as in Form 1 or Form 3)

The plaintiff claims an order for the adoption of (name) in favour of (name) and (name).

PARTICULARS

CHILD	APPLICANT(S)
(surname)	(surname)
(other names)	(other names)
(sex)	(occupation)
Born 20..... at (place)	(address)
Father: (surname) (other names)	AND
Mother: (maiden surname) (other names)	(surname) (other names) (occupation) (address)

Time and place for hearing

Time: 20....., at a.m./p.m.

Place: (address of Court)

Plaintiff: (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: (set out)

(Where applicable: The plaintiff requests that this application be dealt with by the Court in the absence of the public without any attendance by or on behalf of the plaintiff or applicant.)

PAPUA NEW GUINEA
In the National Court of Justice

O.20, r.7

Form 103.

NOTICE OF APPLICATION FOR ADOPTION ORDER

(Heading but no title)

To (name and address)

An application has been made for an order for the adoption of (name of child).

If there is no attendance by you or by your counsel or solicitor at the time and place specified below such order may be made in your absence as the Court may think fit.

Time: 20....., at a.m./p.m.

Place: (address of Court)

Address of Registry:

PAPUA NEW GUINEA
In the National Court of Justice

O.20, r.13

Form 104.

ADOPTION ORDER

(heading as in Form 1 or Form 3)

CHILD	ADOPTING PARENTS
Surname	Surname
Forenames	Other names
(sex)	(occupation)
Born 20..... at (place)	(address)
Father's surname Other names	AND
Mother's maiden surname Other names	Surname Other names (occupation) (address)

THE COURT MAKES AN ORDER for the adoption of the child in favour of the adopting parents and approves the name(s) as the forename(s) of the child.

(Where section 30(2) of the Adoption of Children Act applies add: THE COURT ORDERS that the child shall have the surname)

(Complete as in the general form of minute of order under Order 12 Rule 18.)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.3

Form 105.

**WRIT OF SUMMONS IN ACTION IN REM ISSUED OUT OF ADMIRALTY
REGISTRY**

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

Admiralty action in rem against: (The ship "TAHUA" or as may be describing the res)

(The owners of the ship "MALILA" or as may be), Plaintiffs

and

(The owners of the ship "Tahua" or as may be describing the res), Defendants

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the (owners of and other) persons interested in the ship of the port of
..... (or cargo, etc., as may be).

We command you that within 14 days after the service of this writ, inclusive of the day of service, you do cause an appearance to be entered for you in an action at the suit of and take notice that in default of your so doing the plaintiffs may proceed therein, and judgement may be given in your absence, and if the res described in this writ is then under arrest of the Court it may be sold by order of the Court.

WITNESS the Honourable N.P. 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 may not be served later than two (2) years beginning with the above date unless renewed by order of the Court.

DIRECTIONS FOR ENTERING NOTICE OF INTENTION TO DEFEND

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; (2) by sending it to that office by post.

Endorsements to be made on writ before issue

Endorsement of claim

The plaintiff's claim is for

(If the plaintiffs sue, or the defendants are sued, in a representative capacity, this must be stated in the endorsement of claim.)

Endorsement as to solicitor and address

This writ was issued by of Solicitor for the said plaintiffs whose address is (or This writ was issued by of agent for of Solicitor for the said plaintiffs whose address is (or This writ was issued by the said plaintiffs who reside at and (if the plaintiffs do not reside within the jurisdiction) whose address for service is).

Endorsement as to service

This writ was served by me at on on the
day of 20....., by (stating manner of service).

(Signed)

(address)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.5(1)

Form 106.

WARRANT OF ARREST

(heading as in Form 105)

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the Admiralty Marshal of our National Court of Justice and to all and singular his substitutes, Greeting. We hereby command you to arrest the ship of the port of (and the cargo now or lately laden therein, together with the freight due for the transportation thereof,) or (and the freight due for the transportation of the cargo now or lately laden therein,) and to keep the same under safe arrest until you shall receive further orders from us.

WITNESS (as in Form 105).

The plaintiffs' claim is for (copy from the writ)

Taken out by (Solicitors for) the

Marshal's endorsement as to service

.....

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.5(3)

Form 107.

PRAECIPE FOR WARRANT OF ARREST

(heading as in Form 105)

We of (Solicitors for) the plaintiffs request a warrant to arrest
(description of property giving name, if a ship).

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.6

Form 108.

PRAECIPE FOR CAVEAT AGAINST ARREST

(Description of property giving name, if a ship)

We of Solicitors for of request a caveat against the arrest of (description of property giving name, if a ship) and hereby undertake to enter a notice of intention to defend in any action that may be begun in the National Court of Justice against the said and, within 3 days after receiving notice that such an action has been begun, to give bail in the action in a sum not exceeding K..... or to pay that sum into court. We consent that the writ of summons and any other document in the action may be left for us at

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.8(3)

Form 109.

PRAECIPE FOR SERVICE OF WRIT IN REM BY MARSHAL

(heading as in Form 105)

We of (Solicitors for) the plaintiffs request that the writ of summons left herewith be duly served on

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.13(1)

Form 110.

RELEASE

(heading as in Form 105)

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the Admiralty Marshal of our National Court of Justice, and to all and singular his substitutes,
Greeting.

Whereas in this action we did command you to arrest the and to keep the same
under safe arrest until you should receive further orders from us. Now we do hereby command you
to release the said from the arrest effected by virtue of our warrant in this action.

WITNESS (as in Form 105).

Taken out by (Solicitors for) the

Marshal's endorsement

On the day of 20....., the was released
from arrest pursuant to this Instrument.

(Signed)

Admiralty Marshal (Substitute)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.13(5)

Form 111.

PRAECIPE FOR ISSUE OF RELEASE

(heading as in Form 105)

We of (Solicitors for) the plaintiffs (or defendants) in this action against (description of property giving name, if a ship), now under arrest by virtue of a warrant issued out of the Admiralty Registry, request the issue of a release with respect to the said

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.14

Form 112.

PRAECIPE FOR CAVEAT AGAINST RELEASE AND PAYMENT

(Description of property giving name, if a ship)

We of (Solicitors for) of request a caveat against the issue of a release with respect to (description of property giving name, if a ship) now under arrest and, should the said property be sold by order of the Court, a caveat against payment out of Court of the proceeds of sale.

The intending caveator claims to have an interest (to the extent of approximately K..... if known) in the above-mentioned property in respect of (state nature of claim, e.g. salvage, collision damage etc.).

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.15

Form 113.

PRAECIPE FOR WITHDRAWAL OF CAVEAT

(Description of property giving name, if a ship)

We of (Solicitors for) of request
that the caveat (state nature of caveat) entered on the day of 20....., on
behalf of be withdrawn.

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.16

Form 114.

BAIL BOND

(heading as in Form 105)

WHEREAS this Admiralty action in rem against the above-mentioned property is pending in the National Court of Justice and the parties to the said action are the above-mentioned plaintiffs and defendants:

NOW, THEREFORE, WE, A.B. of and C.D. of hereby jointly and severally submit ourselves to the jurisdiction of the said Court and consent that if they, the above-mentioned defendants (or plaintiffs, in the case of a counterclaim) do not pay what may be adjudged against them in this action, with costs, or do not pay any sum due to be paid by them in consequence of any admission of liability therein or under any agreement by which this action is settled before judgement and which is filed in the said Court, execution may issue against us, our executors or administrators, goods and chattels, for the amount unpaid or an amount of K..... whichever is the less.

(Signed)

This bail bond was signed by the said A.B. and C.D., the sureties, the day of
20..... Before me

A Commissioner for Oaths

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.23

Form 115.

PRAECIPE FOR COMMISSION FOR APPRAISEMENT AND SALE

(heading as in Form 105)

We of (Solicitors for) the plaintiffs (or defendants) request a commission for the appraisal and sale of (description of property giving name, if a ship) which was ordered by the Court on the day of 20.....

Dated the day of 20.....

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.23

Form 116.

COMMISSION FOR APPRAISEMENT AND SALE

(heading as in Form 105)

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the Admiralty Marshal of our National Court of Justice, and to all and singular his substitutes,
Greeting:

WHEREAS in this action the Court has ordered (description of property giving name, if a ship) to
be appraised and sold,

WE hereby authorize and command you to choose one or more experienced persons and to swear
him or them to appraise the said according to the true value thereof, and such value
having been certified in writing by him or them to cause the said to be sold by
(private treaty) (public auction) for the highest price that can be obtained for it, but not for less than
the appraised value unless the Court on your application allows it to be sold for less.

AND WE further command you, immediately on the sale being completed, to pay the proceeds
thereof into Court and to file the certificate of appraisal signed by you and the appraiser or
appraisers, and an account of the sale signed by you, together with this commission.

WITNESS (as in Form 105).

Taken out by (Solicitors for) the

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.13

Form 117.

RELEASE AND WARRANT OF POSSESSION

(heading as in Form 105)

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the Admiralty Marshal of our National Court of Justice, and to all and singular his substitutes,
Greeting:

WHEREAS in this action the Court has ordered possession of the ship (name to be stated), her tackle, apparel and furniture to be delivered up to or to his solicitor for his use,

WE hereby command you to release the said ship, her tackle, apparel and furniture from the arrest made by virtue of our warrant in that behalf and to deliver possession thereof to the said or to his solicitor for his use.

WITNESS (as in Form 105).

Taken out by (Solicitor for) the

Marshal's endorsement

On the day of 20....., the ship was released from arrest pursuant to this warrant.

(Signed)

Admiralty Marshal (Substitute)

Receipt

Received from the Admiralty Marshal (Substitute) on the day of 20....., the ship and everything on board belonging to her.

(Signed)

PAPUA NEW GUINEA
In the National Court of Justice

O.21, r.5(10)

Form 118.

**NOTICE TO CONSULAR OFFICER OF INTENTION TO APPLY FOR
WARRANT OF ARREST**

(heading as in Form 105)

To the Consular Officer (name of State)

The (state nationality) ship (name)

TAKE NOTICE that as solicitors for (name or description of plaintiff as in writ) we did on the day of 20....., (or we intend to) institute proceedings in the Admiralty Court of the National Court of Justice against the above-named ship in respect of a claim by (name or description of plaintiff) for (state nature of claim as indorsed on writ) and that we intend to apply to the Admiralty Court to arrest the said ship.

Dated this day of 20.....

(Signed)

Solicitors for the Plaintiff

PAPUA NEW GUINEA
In the National Court of Justice

O.17, r.2

Form 119.

**NOTICE DIRECTED BY COURT OF ADJOURNED APPLICATION FOR WRIT
OF HABEAS CORPUS**

(Heading as in Form 1 or 3)

Take notice that an application for the above writ was made to the Honourable Mr. Justice in the above matter on the day of 20....., when the said application was adjourned until a.m./p.m. on the day of 20....., so that notice could be given to you.

Dated the day of 20.....

(Signed) of (Solicitor for)

To Solicitor for

PAPUA NEW GUINEA
In the National Court of Justice

O.17, r.9

Form 120.

WRIT OF HABEAS CORPUS

(Heading as in Form 5)

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

To the Superintendent of the Correctional Institution, Greeting:

I command you that you have brought within the National Court of Justice (or before a judge in chambers) at, on the day and at the time specified in the notice served with this writ, the body of A.B. being taken and detained under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called therein, that the Court (or Judge) may then and there examine and determine whether such cause is legal.

(Same as in Form 5)

(Signed)

Endorsement

By order of Court (or of Mr. Justice).

This writ was issued by of Solicitor for

PAPUA NEW GUINEA
In the National Court of Justice

O.17, r.6

Form 121.

NOTICE TO BE SERVED WITH WRIT OF HABEAS CORPUS

In the National Court of Justice

(If in a cause already begun, here insert the title, not otherwise)

Whereas this Court (or the Honourable Mr. Justice) has granted a writ of habeas corpus directed to (or other person having the custody of if so) commanding him to have the body of A.B. before the said Court (or before a judge in chambers) at, on the day and at the time specified in the notice together with the day and cause of his being taken and detained.

Take notice that you are required by the said writ to have the body of the said A.B. before this Court (or before the judge aforesaid) on the day of 20....., at o'clock and to make a return of the said writ. In default thereof the said Court will then, or so soon thereafter as counsel can be heard be moved to commit you to prison for your contempt in not obeying the said writ.

Dated the day of 20.....

(Signed) of Solicitor for

To

PAPUA NEW GUINEA
In the National Court of Justice

O.17, r.2

Form 122.

ORDER FOR WRIT OF HABEAS CORPUS

In the National Court of Justice sitting at

The Hon. Mr. Justice (Judge in Chambers)

On hearing and on reading the affidavit of filed herein.

It is ordered that a writ of Habeas Corpus issue directed to to have the body of before a Judge (in Chambers) at immediately after the receipt of such writ to undergo and receive all and singular such matters, and things as our Court (or Judge) shall then and there consider of concerning him in this behalf.

Dated the day of 20.....

PAPUA NEW GUINEA
In the National Court of Justice

O.17, r.8(3)

Form 123.

ORDER OF COMMITTAL

(Heading as in action)

On motion this day made unto this Court by counsel for the plaintiff and on reading (an affidavit of filed the day of 20....., of service on the defendant C.D. of a copy of the order of the Court dated the day of 20....., and of notice of this motion):

And it appearing to the satisfaction of the Court that the defendant C.D. has been guilty of contempt of court in (state the contempt):

It is ordered that for his said contempt the defendant do stand committed to Correctional Institution to be there imprisoned (until further order).

It is further ordered that this order shall not be executed if the defendant C.D. complies with the following terms, namely,

Dated the day of 20.....

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.7(c)

Form 124.

HUMAN RIGHTS ENFORCEMENT APPLICATION FORM

[IN THE NATIONAL COURT OF JUSTICE]

1. Name of Applicant:

2. Address:

3. Phone numbers:

4. What happened? Tell your story why you say someone breached your human rights. Refer to dates and places:

.....

.....

.....

.....

5. Rights or Freedoms to be enforced. Tick the box next to your right or freedom that has been breached:

☐ right to freedom (s 32)

☐ right to life (s 35)

☐ protection from inhuman treatment (s 36)

☐ protection of the law (s 37)

☐ proscribed acts (s 41)

☐ liberty of the person (s 42)

☐ freedom from forced labour (s 43)

☐ freedom from arbitrary search and entry (s 44)

☐ freedom of conscience, thought and religion (s 45)

☐ freedom of expression (s 46)

☐ freedom of assembly and association (s 47)

☐ freedom of employment (s 48)

☐ right to privacy (s 49)

☐ right to vote and stand for public office (s 50)

☐ right to freedom of information (s 51)

☐ right to freedom of movement (s 52)

☐ protection from unjust deprivation of property (s 53)

☐ equality of citizens (s 55)

6. Who breached your rights? Name or describe the person who will be a defendant if this proceeding goes to Court:

7. Do you want the defendant summoned to appear before the National Court?

8. DECLARATION

I,, declare this statement to be true and correct to the best of my knowledge and belief AND I hereby make application for the enforcement of my rights or freedom as guaranteed by the Constitution and seek orders under section 58 and any other orders the Court may see fit to make.

Dated this day of 20.....

Signature of Applicant

The application may be made by filling in this form and giving it to:

- ☐ a Clerk of the District Court;
- ☐ the Assistant Registrar in your town; or
- ☐ a Judge of the National Court in your Province; or
- ☐ the Registrar of the National Court, PO Box 7018, Boroko, NCD.

Instructions to Court Clerks

When this form is handed to you, please forward it as quickly as possible to the Registrar of the National Court. Fax: 325 7732, PO Box 7018, Boroko, NCD.

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.7(5)(a)

Form 125.

**COMPLAINT OF UNLAWFUL OR UNREASONABLE DETENTION UNDER
SECTION 42(5) OF THE CONSTITUTION**

[IN THE NATIONAL COURT OF JUSTICE]

1. Name of Complainant:

2. Address:

3. Phone numbers:

4. Where have you been detained? (Give name of Police Lock-up or Correctional Institution.) For how long have you been detained? What happened? Tell your story why you say you have been unlawfully or unreasonably detained.

.....
.....
.....
.....

5. DECLARATION

I,, declare this statement to be true and correct to the best of my knowledge and belief AND I hereby make a complaint to the National Court that I have been unlawfully or unreasonably detained.

Dated this day of 20.....

Signature of Complainant

The complaint may be made by filling in this form and giving it to:

- ☐ a Clerk of the District Court;
- ☐ the Assistant Registrar in your town; or
- ☐ a Judge of the National Court in your Province; or
- ☐ the Registrar of the National Court, PO Box 7018, Boroko, NCD.

Instructions to Court Clerks

When this form is handed to you, please forward it as quickly as possible to the Registrar of the National Court. Fax: 325 7732, PO Box 7018, Boroko, NCD.

Section 42(5) (liberty of the person) of the Constitution states: Where complaint is made to the National Court or a Judge that a person is unlawfully or unreasonably detained--(a) the National Court or a Judge shall inquire into the complaint and order the person concerned to be brought before it or him; and (b) unless the Court or Judge is satisfied that the detention is lawful, and in the case of a person being detained on remand pending his trial does not constitute an unreasonable detention having regard, in particular, to its length, the Court or a Judge shall order his release either unconditionally or subject to such conditions as the Court or Judge thinks fit.

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.8(1)(b)

Form 126.

COMMENCEMENT OF PROCEEDINGS AND SUMMONS (Enforcement of Basic Rights on the Court's own initiative)

[IN THE NATIONAL COURT OF JUSTICE]

HROI No. of 20.....

IN THE PROCEEDING OF ENFORCEMENT OF BASIC RIGHTS UNDER THE
CONSTITUTION OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA, SECTION 57

RE [here insert brief description of the proceeding]

THE NATIONAL COURT, [here insert brief reasons for the Court acting on its own initiative], under Section 57(1) of the Constitution, COMMENCES THESE PROCEEDINGS on its own initiative to enforce the rights and freedoms of [here insert the names or description of the persons whose rights or freedoms may have been infringed], those rights being:

[here insert the right(s) or freedom(s) being enforced, eg freedom from inhuman treatment and punishment under Section 36(1) of the Constitution]

AND FOR THE PURPOSES OF THESE PROCEEDINGS THE FOLLOWING PERSONS ARE UNDER SECTION 57(3) OF THE CONSTITUTION SUMMONED TO APPEAR BEFORE THE NATIONAL COURT AT ON AT, so that the National Court may inquire into this proceeding and determine whether it is necessary or appropriate to make further orders or declarations for the purposes of enforcement of Basic Rights under Section 57(3) of the Constitution:

.....

.....

AND TAKE NOTICE that failure to comply with this order may be deemed to be contempt of court and expose the person who fails to comply to the sanctions of the criminal law, including arrest, fine and/or imprisonment.

DATED THIS DAY OF 20.....

JUSTICE

A JUDGE OF THE NATIONAL COURT OF JUSTICE

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.9(1)

Form 127.

STATEMENT OF ALLEGED OR SUSPECTED BREACH OF HUMAN RIGHTS

[IN THE NATIONAL COURT OF JUSTICE]

1. Name of person making statement:

2. Address:

3. Phone numbers:

4. Your statement: Tell your story about what you saw or heard, and what happened. Give names of the people involved or describe them.

.....

.....

.....

5. DECLARATION

I,, declare this statement to be true and correct to the best of my knowledge and belief AND I hereby bring the information to the attention of the National Court.

Dated this day of 20.....

Signature

Please give this form to:

☐ a Clerk of the District Court;

☐ the Assistant Registrar in your town; or

☐ a Judge of the National Court in your Province; or

☐ the Registrar of the National Court, PO Box 7018, Boroko, NCD.

Instructions to Court Clerks

When this form is handed to you, please forward it as quickly as possible to the Registrar of the National Court. Fax: 325 7732, PO Box 7018, Boroko, NCD.

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.10

Form 128.

REQUEST FOR PROCEEDING TO BE PLACED ON HUMAN RIGHTS LIST

[IN THE NATIONAL COURT OF JUSTICE]

TO: THE REGISTRAR

I request that the attached proceeding, in which the following persons are described as plaintiffs:
.....; and the following persons are described as defendants: be placed
on the Human Rights List.

Signed [Plaintiff/defendant or their lawyer to sign]

Date

PAPUA NEW GUINEA
In the National Court of Justice

O.23, r.10(1)

Form 129.

LISTING STATEMENT (Human Rights List)

[IN THE NATIONAL COURT OF JUSTICE]

The [Plaintiff/Defendant] makes the following statement in support of an application to have these proceedings [placed on/removed from] the Human Rights List:

1. The nature of the dispute [set out in a summary form]:
2. The issues which are likely to arise in the proceedings are [set out in a summary manner]:
.....
3. The proceedings ought to be [placed on/removed from] the Human Rights List for the following reasons:
4. The attitude of other parties to this application is:

Signed [Plaintiff or plaintiff's lawyer shall sign]

Date