Guidance on Using the Interlocutory Application without Notice Template

(Form 18 of the District Court Rules 2014)

About the Interlocutory Application without Notice

An interlocutory application is used to apply for court orders which are subsidiary to the main proceeding. This template is for an interlocutory application without notice (which means the other party/parties are *not* given the opportunity to oppose the application).

If necessary you may file an affidavit in support of your application. This must be filed and served at the same time as the application.

How to use the template

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

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

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

Formatting your form

Before printing the form, check the following:

That the pages are numbered. Numbering should at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

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

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

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

In the District Court

Choose an item.Registry

No: Enter the CIV number (court reference number) if known.

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

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

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

(plaintiff)

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

(defendant)

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

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

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

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

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

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

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

To the Registrar of the District Court at Court location (e.g. “Manukau”)

**This document notifies you that:**

1. The applicant, name, place of residence and occupation, applies for an order/s:

Specify the orders sought, numbering them if more than 1.

1. The grounds on which each order is sought are as follows:

Specify concisely the grounds on which each order is sought.

Or

set out in the accompanying memorandum.

1. The application is made on reliance on:

Specify any particular provision of an enactment, principle of law, or judicial decision relied on.

4 The application is made without notice to any other party on the following ground(s):

(a) that requiring the applicant to proceed on notice would cause undue delay or prejudice to the applicant:

(b) that the application affects only the applicant:

(c) that the application relates to a routine matter:

(d) that an enactment expressly permits the application to be made without serving notice of the application:

(e) that the interests of justice require the application to be determined without serving notice of the application.

Select the ground or grounds that are applicable. At least one of the grounds must apply.

5 I certify that—

(a) the grounds set out in paragraph 4 on which the application relies are made out; and

(b) all reasonable inquiries and all reasonable steps have been made or taken to ensure that the application contains all relevant information, including any opposition or defence that might be relied on by any other party, or any facts that would support the position of any other party.

Date: Enter date here (may be handwritten)

Signature: (sign here)

Name: Enter your name

Select your role

Telephone number