Guidance on Using the Originating Application without Notice Template

About the Originating Application without Notice

The originating application template is used when you are making an application where the Act you are applying under, or rule 20.13 of the District Court Rules 2014, requires you to make the application by way of an originating application.

This template is for an originating application without notice (which means the other party/parties are *not* given the opportunity to oppose the application).

If you wish to rely on any evidence in support of your application, this must be in the form of an affidavit. 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 that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

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

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

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

In the District Court

Choose an item. Registry

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

Under the:

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

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

(Applicant)

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

(Respondent)

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

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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.

1. The application is made on reliance on:

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

**I certify that this application complies with the rules.**

This certificate may be dispensed with if a Judge so orders under rule 7.16(5). If dispensation is sought, the reasons for the absence of a lawyer's certificate must be stated.

Date: Enter date here (may be handwritten)

Signature: (sign here)

Name: Enter your name

Select your role

Telephone number

Note: Please **complete one** of the following two options, and **delete** the option that does not apply. (If a solicitor is filing the document, see Form 12 of the Schedule).

If you are an individual:

This document is filed by the role in proceedings, e.g. “plaintiff” in person. The address for service of the role in proceedings, e.g. “plaintiff” is address.

If you are an organisation:

This document is filed by name of person filing document, an authorised officer for the role in proceedings, e.g. “plaintiff”. The address for service of the role in proceedings, e.g. “plaintiff” is address.