District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 42.03

Appearance and defence: debt claim

*Schedule C
O.42, r.3(1)*

District Court Area of

District No.

Record number:

Between

........ Claimant

........ Respondent

APPEARANCE

To: District Court Clerk:

The \*respondent intends \*respondents intend to defend this claim notice.

Particulars of first respondent:

|  |  |
| --- | --- |
| Name | http://www.courts.ie/icons/ecblank.gif |
| Address | \*(in the above Court \*(area) and district) |
| Occupation | http://www.courts.ie/icons/ecblank.gif |
| PPSN | http://www.courts.ie/icons/ecblank.gif |
| \*Solicitor | \*(if the respondent intends to defend in person, please state “in person”) |
| Address for service of documents | http://www.courts.ie/icons/ecblank.gif |

[*Repeat particulars for second and any subsequent respondent*]

Dated the ...... day of ........ 20....

Signed:........

\*(Solicitor for) Respondent

This appearance was filed at........ on the ...... day of ........ 20.... with ........ the District Court Clerk assigned to the above Court area and district

Note: This page only to be completed and filed with the appropriate District Court Clerk; the remainder of the document to be completed and served on the claimant or claimant’s solicitor.

*\*Delete where inapplicable*

*Schedule C
O.42, r. 2(1)*

District Court Area of

District No.

Record number:

Between

........ Claimant

........ Respondent

APPEARANCE AND DEFENCE

The debt claimed in the claim notice is:

\*disputed as to both liability and amount;

\*disputed only as to amount and the respondent admits that the amount of €........ is due to the claimant

\*admitted in full and the respondent requires time for payment.

Particulars of first respondent:

|  |  |
| --- | --- |
| Name | http://www.courts.ie/icons/ecblank.gif |
| Address | \*(in the above Court \*(area) and district) |
| Occupation | http://www.courts.ie/icons/ecblank.gif |
| PPSN | http://www.courts.ie/icons/ecblank.gif |
| \*Solicitor | \*(if the respondent intends to defend in person, please state “in person”) |
| Address for service of documents | http://www.courts.ie/icons/ecblank.gif |

[*Repeat particulars for second and any subsequent respondent*]

GROUNDS OF DEFENCE

*[Set out in numbered paragraphs a statement of the grounds of the respondent’s defence, including all material facts on which the respondent relies, with necessary particulars of such fact.*

*Grounds of defence must state which of the facts stated in the claimant’s statement of claim are admitted; denied or not admitted. Where a fact stated in a statement of claim is denied, reasons must be given for denying the fact; and if the respondent intends to prove a fact different from that stated in the statement of claim, the grounds of defence must state, with necessary particulars, the fact that the respondent intends to prove.*

*The grounds of defence must state specifically, with particulars, any fact or matter which makes the claim of the claimant not maintainable; or if not stated specifically, might take the claimant by surprise; or raises questions of fact not arising out of the statement of claim.*

*Example as follows—*

*1. The respondent admits and does not require proof of the following allegations specified or matters pleaded in the claimant’s statement of claim:........*

*2. The respondent denies the following allegations specified or matters pleaded in the claimant’s statement of claim:........*

*3. The respondent denies the allegation [x] because ........ and instead pleads that ........*

*4. The respondent alleges that the claimant’s claim is not maintainable in law against the respondent because........*

*5 In the alternative, some or all of the loss suffered by the claimant was occasioned in whole or in part by the claimant’s own action because........ ]*

LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH THE RESPONDENT WILL RELY AT TRIAL

|  |  |  |  |
| --- | --- | --- | --- |
| http://www.courts.ie/icons/ecblank.gif | Document | Date | Description |
| 1 | *e.g. letter of offer* | *1 September 2013* | *Letter of offer from the claimant to the respondent* |
| 2 | *e.g. contract* | *10 September 2013* | *Contract signed by the claimant and the respondent* |
| Etc | http://www.courts.ie/icons/ecblank.gif | http://www.courts.ie/icons/ecblank.gif | http://www.courts.ie/icons/ecblank.gif |

[*If a counterclaim is made, the statement of counterclaim (in Form 42.08) should be inserted here*]

Dated the ...... day of ........ 20....

Signed:........

\*(Solicitor for) Respondent

To the \*(solicitor for the) claimant(s) at the address(es) given in the claim notice

*\*Delete where inapplicable*