

No. 42A

Order for possession

(Order 113 rule 6)

[Heading as in summons]

Upon hearing and upon reading the affidavit of filed the day of 20, it is ordered that the plaintiff *A.B.* do recover possession of the land described in the originating summons as [and that the defendant do pay the plaintiff \$..... costs [or costs to be taxed]].

The above costs have been taxed and allowed at \$ as appears by a taxing master's certificate dated the day of 20

Dated the day of 20

No. 43

Final judgment after assessment of damages, etc.

(Order 42 rule 1)

(Heading as in action)

The day of 20

The plaintiff having on the day of 20 obtained interlocutory judgment herein against the defendant for damages (*or as may be*) to be assessed, and the amount found due to the plaintiff having been certified at \$ as appears by the (Judge's *or* Registrar's certificate *or as may be*) filed the day of 20

It is this day adjudged that the defendant do pay the plaintiff \$..... and costs to be taxed.

The above costs, etc. (*as in No. 39*).

No. 44

Judgment under Order 14

(Order 14 rule 3; Order 42 rule 1)

(Heading as in action)

The day of 20

The defendant having given notice of intention to defend herein and the Court having under Order 14, rule 3 of the Rules of the District Court ordered that judgment as hereinafter provided be entered for the plaintiff against the defendant.

It is this day adjudged that the defendant do pay the plaintiff \$..... and \$..... costs (*or* costs to be taxed)

or

pay the plaintiff damages to be assessed and costs to be taxed

or

deliver to the plaintiff the goods described in the writ of summons (*or* statement of claim) as (*or* pay the plaintiff the value of the said goods to be assessed) (and also damages for their detention to be assessed) and costs to be taxed

or

give the plaintiff possession of the land described in the writ of summons (*or* statement of claims) as and costs to be taxed.

The above costs, etc. (*as in No. 39*).

No. 45

Judgment after trial before judge

(Order 42 rule 1)

(*Heading as in action*)

Dated and entered the day of 20

This action having been tried before His/Her Honour Judge at the District Court, Hong Kong, and the said Judge having on the day of 20..... ordered that judgment as hereinafter provided be entered for the plaintiff (*or* defendant) (and directed that execution be stayed for the period and on the terms hereinafter provided).

It is adjudged that the defendant do pay the plaintiff \$..... and his costs of action to be taxed (*or* that the plaintiff do pay the defendant his costs of defence to be taxed *or as may be according to the judge's order*).

(It is further adjudged that execution be stayed for days *or as may be*.)

The above costs, etc. (*as in No. 39*).

No. 48

Judgment after decision of preliminary issue

(Order 33 rule 7; Order 42 rule 1)

(Heading as in cause or matter)

Dated and entered the day of 20

The issue (*or* question) arising in this cause (*or* matter) by the order dated the day of 20 ordered to be tried before having on the day of 20 been tried before the said and the said having found and having ordered that judgment as hereinafter provided be entered for the (*or* having dismissed the cause or matter).

It is adjudged that (the defendant do pay the plaintiff \$ and his costs of action to be taxed) (the plaintiff do pay the defendant his costs of defence to be taxed) *or as may be according to the order made.*

No. 49

Judgment for liquidated sum against personal representative

(Order 42 rule 1)

(Heading as in action)

Dated and entered the day of 20 (*Recital as in No. 39, 43-45, or 48 according to the circumstances in which judgment was obtained*).

It is adjudged that the defendant as executor (*or* administrator) of the above named deceased do pay the plaintiff \$ and costs to be taxed, the said sum and costs to be levied of the real and personal estate of the deceased at the time of his death come to the hands of the defendant as such executor (*or* administrator) to be administered, if he has or shall hereafter have so much thereof in his hands to be administered, and if he has not so much thereof in his hands to be administered, then, as to the costs aforesaid, to be levied of the goods, chattels and other property of the defendant authorized by law to be seized in execution (*or as may be according to the order made*).

The above costs, etc. (*as in No. 39*).

No. 50

Judgment for defendant's costs on discontinuance

(Order 62 rule 10(1))

(Heading as in action)

The day of 20

The plaintiff having by a notice in writing dated the day of 20, discontinued this action (*or* withdrawn his claim in this action for) and the defendant's costs of the action (*or* of the claim withdrawn) having been taxed and allowed at \$ as appears by a taxing officer's certificate dated the day of 20, and the plaintiff not having paid the sum within 4 days after taxation.

It is this day adjudged that the plaintiff do pay the defendant \$ the said taxed costs.

No. 51

Judgment for costs after acceptance of money paid into court

(Order 62 rule 10(3))

(Heading as in action)

The day of 20

The defendant having paid into court in this action the sum of \$ in satisfaction of the plaintiff's cause(s) of action (*or* in satisfaction of the plaintiff's cause of action for), and the plaintiff having by his notice dated the day of 20 accepted that sum in satisfaction of his cause(s) of action (*or* in satisfaction of his cause of action for and abandoned his other cause(s) of action), and the plaintiff's costs herein having been taxed and allowed at \$ as appears by a taxing officer's certificate dated the day of 20, and the defendant not having paid the sum within 48 hours after taxation.

It is this day adjudged that the defendant do pay the plaintiff \$ the said taxed costs.

No. 52

Notice of judgment or order

(Order 44 rule 2)

(Heading as in cause or matter)

Take notice that a judgment (*or order*) of this Court was given (*or made*) on the day of 20 by which it was (*state substance of judgment or order*).

And also take notice that from the time of the service of this notice you (*or the infant or the patient as may be*) will be bound by the said judgment (*or order*) to the same extent as you (*or he*) would have been if you (*or he*) had originally been made a party.

And also take notice that you (*or the said infant or patient*) may within one month after the service of this notice apply to the Court to discharge, vary or add to the said judgment (*or order*) and that after acknowledging service of this notice at the Registry of the District Court, you (*or the said infant or patient*) may attend the proceedings under the said judgment (*or order*).

Dated the day of 20

To

(Signed)

No. 53

Writ of fieri facias

(Order 45 rule 12)

(Heading as in action)

To the bailiff :

Whereas in the above named action it was on the day of 20 adjudged (*or ordered*) that the defendant *C.D.* do pay the plaintiff *A.B.* \$..... (and \$..... costs *or* costs to be taxed, which costs have been taxed and allowed at \$..... as appears by the certificate of the taxing officer dated the day of 20):

It is required that of the goods, chattels and other property of *C.D.* authorized by law to be seized in execution you cause to be made the sums of \$..... and \$..... for costs of execution and also interest on \$..... at the rate of per cent per annum from the day of 20 until payment (together with bailiff's fees, costs of levying and all other legal, incidental expenses) and that immediately after execution of this writ you pay *A.B.* in pursuance of the said judgment (*or order*) the amount levied in respect of the said sums and interest.

And it is also required that you indorse on this writ immediately after execution thereof a statement of the manner in which you have executed it and send a copy of the statement to *A.B.*

Witness Chief Justice of the Court of Final Appeal of the Hong Kong Special Administrative Region, the day of 20

This writ was issued by of solicitors for the (*or* this writ was issued by *A.B.* (the plaintiff) in person who resides at).

No. 54

Writ of fieri facias on order for costs

(Order 45 rule 12)

(Heading as in cause or matter)

To the bailiff :

Whereas in the above named cause (*or* matter) it was on the day of 20 ordered that the *C.D.* do pay the *A.B.* costs to be taxed, which costs have been taxed and allowed at \$ as appears by the taxing officer's certificate dated the day of 20

It is required that of the goods, chattels and other property of *C.D.* authorized by law to be seized in execution you cause to be made the sum of \$..... and \$..... for costs of execution, and also interest on \$ at the rate of per cent per annum from the day of 20 until payment together with bailiff's fees, cost of levying and all other legal, incidental expenses and that immediately after execution of this writ you pay *A.B.* in pursuance of the said order the amount levied in respect of the said sum and interest.

And it is also required (*as in No. 53*).

Witness (*as in No. 53*).

This writ (*as in No. 53*).

No. 56

Writ of fieri facias after levy of part

(Order 45 rule 12)

(Heading as in action)

To the bailiff

Whereas (*as in No. 53*).

And whereas by our writ issued the day of 20 it is required that of the goods, chattels and other property of *C.D.* you should cause to be made the sums of \$..... and \$..... for costs of execution and also interest on \$ at per cent per annum from the day of 20 until payment and should pay *A.B.* in pursuance of the said judgment (*or order*) the amount levied in respect of the said sums and interest and should indorse on the writ a statement of the manner in which you had executed it and send a copy of the statement to *A.B.*

And whereas the indorsement on the said writ states that by virtue thereof you (*or he*) caused to be made of the property aforesaid the sum of \$

It is required that of the goods, chattels and other property of *C.D.* authorized by law to be seized in execution you cause to be made the sum of \$, the residue of the said \$, and \$ for costs of execution and also interest on \$ at the rate of per cent per annum from the day of 20 until payment (*continue as in No. 53*).

And it is also required (*as in No. 53*).

Witness (*as in No. 53*).

This writ (*as in No. 53*).

No. 57

Writ of fieri facias against personal representative

(Order 45 rule 12)

(Heading as in action)

To the bailiff

Whereas in the above named action it was on the day of 20 adjudged (*or ordered*) that the defendant *C.D.* as executor (*or administrator*) of *E.F.* deceased do pay the plaintiff *A.B.* \$ and \$ costs (*or costs to be taxed which costs have been taxed and allowed at \$ as appears by the certificate of the taxing officer dated the day of 20*), the said sums and interest to be levied of the real and personal estate of the said *E.F.* at the time of his death in the hands of

the defendant *C.D.* as his executor (*or* administrator) to be administered, if he had or should thereafter have so much thereof in his hands to be administered, (and if he had not, then the said costs to be levied of the goods, chattels and other property of the defendant *C.D.* authorized by law to be seized in execution):

It is required that of the real and personal estate of *E.F.* deceased, at the time of his death, which is in the hands of *C.D.* as his executor (*or* administrator) to be administered you cause to be made the sums of \$ and \$ for costs of execution and also interest on \$ at the rate of per cent per annum from the day of 20 until payment (together with bailiff's fees, cost of levying and all other legal, incidental expenses) (and if the said *C.D.* has not so much thereof in his hands to be administered that you cause to be made of the goods, chattels and other property of *C.D.* authorized by law to be seized in execution the sum of \$ for costs) and that immediately after execution of this writ you pay *A.B.* in pursuance of the said judgment (*or* order) the amount levied in respect of the said sums and interest.

And it is also required (*remainder as in No. 53*).

Witness (*as in No. 53*).

This writ (*as in No. 53*).

No. 64

Writ of delivery: delivery of goods, damages and costs

(Order 45 rule 12)

(*Heading as in action*)

To the bailiff :

Whereas in the above named action it was on the day of 20 adjudged (*or* ordered) that the defendant *C.D.* do deliver to the plaintiff *A.B.* the following goods, namely (*describe the goods delivery of which has been adjudged or ordered*) (and \$ damages) and \$ costs (*or* costs to be taxed, which costs have been taxed and allowed at \$ as appears by the certificate of the taxing officer dated the day of 20):

It is required that you cause the said goods to be delivered to *A.B.* and that of the goods, chattels and other property of *C.D.* authorized by law to be seized in execution you cause to be made the sums of \$ and \$ for costs of execution and also interest on \$ at the rate of per cent per annum from the day of 20 until payment together with bailiff's fees, costs of levying and all other legal, incidental expenses and that immediately after execution of this writ you pay *A.B.* in pursuance of the said judgment (*or* order) the amount levied in respect of the said sums and interest.

And it is also required that you indorse (*remainder as in No. 53*).

Witness (*as in No. 53*).

This writ (*as in No. 53*).