

## Form 2: Fixed Date Claim Form

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*[Rule 8.1(5)]*

The Eastern Caribbean Supreme Court

In the High Court of Justice

[State/Territory]

Claim No.      of 20...

Between

A.B.

Claimant

and

C.D.

Defendant

### Claim Form

The claimant,                      A.B. (full names), of                      (full address)

claims against

the defendant,                      C.D. (full names), of                      (full address)

(Set out briefly the nature of the claim and state any specific amount or remedy that you are claiming)

**Notice to the Defendant —**

The first hearing of this claim will take place at [xxx xxx xxx] on \_\_\_\_\_ day the \_\_\_\_\_ day of 20\_\_\_\_, at \_\_\_\_\_ am/p.m.

If you do not attend at that hearing, judgment may be entered against you in accordance with the claim.

If you do attend, the judge may —

- (a) deal with the claim, or
- (b) give directions for the preparation of the case for a further hearing.

A statement of claim or an affidavit giving full details of the claimant's claim should be served on you with this claim form. If not and there is no order permitting the claimant not to serve the statement of claim or affidavit you should contact the court office immediately.

You should complete the form of acknowledgment of service served on you with this claim form and deliver or send it to the court office (address below) so that they receive it within 14/28 days of service of this claim form on you. The form of acknowledgment of service may be completed by you or a legal practitioner acting for you.

You should consider obtaining legal advice with regard to this claim. See the notes on the back of this form or on the next page.

This claim form has no validity if it is not served within 6 months of the date below unless it is accompanied by an order extending that time.

Dated \_\_\_\_\_ [SEAL]

The court office is at [xxx xxx xxx] telephone number xx-xxxx, FAX xxx.xxxx. The office is open between [ ..... am.] and [ ..... p.m.] ..... to ..... except public holidays.

The claimant's address for service is:

**NOTES FOR DEFENDANT (FIXED DATE CLAIM)**

The claimant is seeking an order from the court as set out in the claim form on the basis of the facts or evidence set out in the statement of claim or affidavit served with it. The claimant will not be entitled to enter judgment against you without a hearing.

You may:

A. Admit the claim

If so, you should complete and return the form of acknowledgment of service to the court office within 14/28 eight days stating this. You may attend the first hearing if you wish to do so.

B. Dispute the claim

If so, you should complete and return the form of acknowledgment of service as under A. You should also file at the court office and serve on the claimant's legal practitioner (or the claimant if the claimant has no legal practitioner):

- (a) a defence if the claim form was accompanied by the claimant's statement of claim, OR
- (b) an affidavit in answer if the claim form is accompanied by an affidavit sworn by or on behalf of the claimant

within 28/42 days of the day on which the claim form was served on you. Your defence or affidavit must set out briefly ALL the facts on which you will rely to dispute the claim made against you.

**You should also attend the first hearing. If you do not the judge may deal with the claim in your absence.**

C. Make a claim against the claimant

If so, you should complete and return the form of acknowledgment of service as under A. You must file a statement of claim (a counterclaim) setting out full details of what you claim against the claimant and the facts on which you will rely. This must be done within 28/42 days of the date on which the claim form was served on you. The statement of claim should set out ALL the facts on which you rely in disputing any part of the claimant's claim against you.

You should also attend the first hearing. If you do not the judge may deal with the claim in your absence.