PART 14 Setting Aside Or Varying Default Judgment

PART 14

Cases where the Court must set aside judgment entered under Part 13 14-1

14.1

The Court must set aside a judgment entered under Part 13 if judgment was wrongly entered because.

(1) in the case of a judgment in default of an acknowledgment of service, any of the conditions in Rules 13.4 and 13.6 was not satisfied;

(2) in the case of a judgment in default of a defence, any of the conditions in Rules 13.5 and 13.6 was not satisfied; or

(3) the whole of the claim was satisfied before judgment was entered.

Cases where the Court may set aside or vary judgment entered under Part 13 14.2 - 14.3

14.2

In any other case, the Court may, on such conditions as it sees fit, set aside or vary a judgment entered under Part 13 if:

(1) the defendant has a real prospect of successfully defending the claim; or

(2) it appears to the Court that there is some other good reason why:

(a) the judgment should be set aside or varied; or

(b) the defendant should be allowed to defend the claim.

14.3

In considering whether to set aside or vary a judgment entered under Part 13, the matters to which the Court must have regard include whether the person seeking to set aside the judgment made an application to do so promptly.

Application to set aside or vary judgment - Procedure 14.4

14.4

An application under Rule 14.2 (cases where the Court may set aside or vary judgment) must be supported by evidence.