84.

E-FORM

P.2, r.17, P.9, r.5, r.10 FJ(G)R 2024

[ ]  **Summons for Disclosure /** [ ]  **Originating Application / Summons for Permission to seek Disclosure**

This Form is used to:

1. apply for disclosure against a party in the current proceedings.
2. apply for permission and disclosure against a non-party in the current proceedings.
3. apply for permission and disclosure against a potential party before legal proceedings are commenced.

Scenario (a)

File this Form as a Summons and serve the Summons on the other party in the proceedings.

Scenario (b)

If you are seeking disclosure against a non-party, ie. a person who is not a party in the current proceedings, you must first obtain the Court’s permission. To obtain permission, complete this Form as a Summons and serve the Summons on the other party in the proceedings.

Scenario (c)

If you seek disclosure before commencing legal proceedings, you must first obtain the Court’s permission. To obtain the Court’s permission, file this Form as an Originating Application. The Originating Application is filed without notice, i.e. without naming or serving a Respondent. You must file a supporting affidavit in this case.

After obtaining the Court’s permission in Scenarios (b) and (c)

After you obtained the Court’s permission, use this Form as a Summons to apply for disclosure against the non-party (in (b)) or potential party (in (c)). In both cases, you will have to serve the Summons and all relevant documents on the person who is to provide disclosure if the order is granted.

This form contains Notes to help you in the completion of the form. Please note that the Notes are **NOT** to be construed or regarded as a substitute for legal advice. Please seek legal advice if necessary.

This form, when submitted to the Court as an Originating Application, will be generated in accordance with the layout of the Generic Originating Application (Form 53). If this Form is submitted to the Court as a Summons, it will be generated in accordance with the layout of the Generic Summons (Form 67).

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| This Notice serves as a reminder to the Applicant and does not appear as part of the issued Originating Application (“OA”). **IMPORTANT**: **Duty to consider amicable resolution**Pursuant to the Family Justice (General) Rules 2024 (“FJ(G)R 2024”), you are required to consider amicable resolution of the dispute before and after commencing Court proceedings. This means that you should either: 1. explore alternative ways of settling the dispute without resorting to legal action; or
2. make an offer to the other party to settle the dispute.

For more information on your obligations, please refer to the Information Sheet on Amicable Dispute Resolution and Part 4 of the FJ(G)R 2024.  |

### Section 1: Application

|  |  |  |
| --- | --- | --- |
| 1. | [ ]  I am filing a Summons for Disclosure under the main case, Originating Application no. Enter the FC/OA or HCF/OA number here. [ ]  I am filing an Originating Application for permission to seek Disclosure. [ ]  I am filing a Summons for Permission to Seek Disclosure under the main case, Originating Application no. Enter the FC/OA or HCF/OA number here. | *Notes**If you are filing an Originating Application, please complete Sections A (where applicable) and B of the Originating Application: Generic Sections (Form 53B).* |
| 2. | I am[ ]  the Applicant in Enter main case number here.[ ]  the Respondent in Enter main case number here.[ ]  Enter name or party type here in Enter main case number here. | *If you are filing an Originating Application, you are not required to enter the case number.**If you are filing a Summons,**you may refer to the Originating Application for your party type.**Please state the OA case number i.e. FC/OAD 1/2022 and not the sub-case number.* |
| 3. | This summons is filed against

|  |  |
| --- | --- |
| [ ]  | the Applicant  |
| [ ]  | the Respondent  |
|[ ]  Enter name or party type here. |

 | *If the summons do not involve another party, you do not need to complete question 3.**If the summons is against a person who is not an existing party to the proceedings, you must provide the details of the person in Section B of the Originating Application: Generic Sections (Form 53B).* |
| **PART A** |  |
| 4. | I am applying for:1. [ ]  Disclosure as stated in the Annexure (**Disclosure Table**).
2. [ ]  The Court’s permission to apply for disclosure in the Annexure (**Disclosure Table**)against:

[ ]  A non-party:

|  |
| --- |
| Enter the full name of the non-party here. |

[ ]  A potential party:

|  |
| --- |
| Enter the full name of the potential party here. |

 | *You will require the Court’s permission if the disclosure is sought against a non-party or a potential party. If against a non-party, the summons for approval is filed against the other party in the action. If against a potential party, this summons will not involve another party.* *For the purposes of this summons, the person named in question 3(b) is referred to as the “Responding Party”.* |
| 5. | Complete this question only if you have selected option 4(a) above.In respect of each item in Annexure, the Responding Party is to provide 1. the requested document
2. if the document is not within the Responding Party’s possession or control, state the reasons why
3. if the document left the Responding Party’s possession, state when the Responding Party parted with possession and what has become of the document
4. the information which is within the Responding Party’s knowledge

Select only 1 option.[ ]  in an affidavit.[ ]  in a letter. |  |
| **PART B** |  |
| 6. | Costs of this summons / Originating Application[ ]  Costs in the cause. [ ]  No orders as to costs. [ ]  Each party to bear own costs. [ ]  Costs to be paid by

|  |
| --- |
| Enter name or party type here. |

[ ]  Costs to be reserved to

|  |
| --- |
| Enter event here. |

[ ]  Others:

|  |
| --- |
| Enter details here. |

 | *Costs in the cause means the costs of this application will be decided at and will depend on the outcome of the main proceedings. This option is applicable only if you are filing a summons.**If you opt to reserve costs, please state the event at which costs is to be decided e.g. reserved to the final hearing.* |
| 7.7a.7b.7c. | Select only 1 option. Mandatory if you are filing an Originating Application.[ ]  The reasons for this summons / originating application are stated in the supporting affidavit.[ ]  The summons is filed without a supporting affidavit. I will refer to the following affidavits to support this summons: *Please complete the table below.*

|  |  |
| --- | --- |
| *Person who filed the affidavit* | *Date of filing* |
| Enter details here. | Enter date here. |
| Enter details here. | Enter date here. |
| Enter details here. | Enter date here. |

[ ]  I do not intend to rely on any evidence / facts and will not file a separate affidavit to support this summons.  | *Use the Disclosure Affidavit (Form 86).*  |

### Annexure: The Disclosure Table

Please annex the completed Disclosure Table: Form 85.

### Section 2: Affirmation

Insert the affirmation clause here only if you are **not** filing a supporting affidavit.

If you are filing a supporting affidavit, you do not need to insert the affirmation clause.

Where the facts in the Annexure are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.

The summons is to be sworn / affirmed in accordance with the Form of Attestation (Form 106) of the Family Justice (General) Rules 2024.

### Instructions to the Responding party

The Summons will be generated with these instructions when filed.

|  |  |
| --- | --- |
| 1. The other party (“A”) has applied to Court for you to disclose certain information or documents. You are the Responding Party (“R”).
 | *Notes* |
| 1. To respond to the summons, you must within **28 days**
2. Complete the Reply to Disclosure (Form 87).
3. If you agree to disclose any item, you are to provide the item in the way stated in paragraph 2 of the ~~s~~ummons.
4. If you object to any item, state your reasons in Reply to Disclosure.
5. If you need to refer to any evidence to explain your reasons, you can either
6. rely on a previous affidavit, or
7. file a new affidavit if the evidence is new.

  | *You are to file and serve all documents in same manner as all other Court documents.**Paragraph 2(b) is not applicable if the summons is for permission to seek disclosure.* *To file a new affidavit, you may use the Generic Affidavit (Form 54).* *If you are* ***not*** *filing a new affidavit, you must affirm the Reply to Disclosure.* |