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(b) after making all reasonable inquiries, the applicant has not sufficient information to enable the applicant to **decide whether to commence a proceeding in the Court** to obtain that relief; and

(c) there is reasonable cause to believe that that person has or is likely to have or has had or is likely to have had in that **person's possession any document relating to the question** whether the applicant has the right to obtain the relief and that inspection of the document by the applicant would assist the applicant to make the decision—

the Court may order that that person shall make discovery to the applicant of any document of the kind described in paragraph (c).

R32.06

Rule 32.05, with any necessary modification, applies where—

- (a) the applicant is a party to a proceeding; and
- (b) there is reasonable cause to believe that the applicant has or may have the right to obtain against a person who is not a party relief which the applicant could properly have claimed in the proceeding had the person been a party.

R32.07 – discovery for non-party's document after commencement of proceedings

R32.07 On the application of any party to a proceeding the Court may order that a person who is not a party and in respect of whom it appears that that person has or is likely to have or has had or is likely to have had in that person's possession any document which relates to any question in the proceeding shall make discovery to the applicant of any such document.

Pre-action orders/ injunctions

R4.08 Urgent cases

4.08 In an urgent case, on the application of a person who intends to commence a proceeding and upon that person's undertaking to commence the proceeding within such time as the Court directs, the Court may make any order which the Court might make if the applicant had commenced the proceeding and the application were made in the proceeding.

- (a) a claim in a proceeding includes a claim by counterclaim and a claim by third party notice; and
- (b) a defence includes a defence to a counterclaim and a defence to a claim by third party notice.

Striking out proceedings (O23.02)

Applies to counterclaim and third party claims

R23.02 SCR/CCR/MCR Striking out pleading

Where an indorsement of claim on a writ or originating motion or a pleading or any part of an indorsement of claim or pleading—

- (a) does not disclose a cause of action or defence;
- (b) is scandalous, frivolous or vexatious;
- (c) may prejudice, embarrass or delay the fair trial of the proceeding; or
- (d) is otherwise an abuse of the process of the Court—

the Court may order that the **whole or part of the indorsement or pleading be struck out or amended.**

Hearings and Trials

Court	Provision	Details
1. Magistrates Court — Proceedings are fixed for hearing by single magistrate	Order 49 MCR	• Rule 49.02 SCR/CCR/MCR — If any party absent, Court may: • order the proceedings not be heard unless fixed for hearing/trial again • proceed with the hearing/trial • adjourn the proceedings
2. County Court — Proceedings set down for trial; trial may be by jury of 6	Orders 34A, 47, 49 CCR	(see Rule 49.02 above)
3. Supreme Court — Proceedings set down for trial; trial may be by jury of 6	Orders 47–49 SCR	(see Rule 49.02 above)

Order and judgments

Court	Provision	Details
1. Magistrates Court — Court may make such order as the case requires notwithstanding such order	Order 59 MCR	• Unless otherwise ordered — the judgment/order takes effect on and from the date it was given or