

LL.B (HONS) PART II  
CIVIL PROCEDURE

REQUEST FOR FURTHER PARTICULARS 012

A. TO SUMMONS

- R2(1)(a) A Defendant may request further particulars on not more than 7 days notice delivered after entry of appearance to defend, requesting the plaintiff to deliver such further information as is reasonably necessary to enable him to plead.
- R2(2) Plaintiff shall deliver the required information within 7 days of receipt of notice.  
\* Failure to do so = application to compel further particulars.

- NOTE: 1. If the further particulars are in conflict with the summons or set up a new cause of action, then the summons can be excepted to as vague and embarrassing.  
**Aginsky v Johnstone & Co. 1927 OPD 280**
2. Once further particulars are requested, they must be supplied as long as they are reasonably necessary to enable one to plead, regardless of who has the onus of proof, and if plaintiff is unable to supply them, he must give reasons.  
**Van vs Botha 1952 (3) SA 494 (0)**  
**Kliptown Clothing Industries (Pvt) Ltd v Maine & Trade Insurance Co. of SA**  
**Time Security P/L vs Castle Hotel P/L 1972 (1) RLR 155 (A); 1972 (3) SA 112**
3. If the further particulars are not supplied and defendant pleads without them, then, he has waived any right to an order compelling further particulars.  
**Brollomer Tin Exploration v Kameel Tin Pty Co. Ltd 1928 TPD 647**
4. The purpose of further particulars is to place a defendant in the position of being able to decide whether or not to

# Further Particulars

**J Elliott**



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## **Table of Contents Further Particulars**

1. Understanding the eBook Further Particulars
  - The Rise of Digital Reading Further Particulars
  - Advantages of eBooks Over Traditional Books
2. Identifying Further Particulars
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Further Particulars
  - User-Friendly Interface
4. Exploring eBook Recommendations from Further Particulars
  - Personalized Recommendations
  - Further Particulars User Reviews and Ratings
  - Further Particulars and Bestseller Lists

5. Accessing Further Particulars Free and Paid eBooks
  - Further Particulars Public Domain eBooks
  - Further Particulars eBook Subscription Services
  - Further Particulars Budget-Friendly Options
6. Navigating Further Particulars eBook Formats
  - ePub, PDF, MOBI, and More
  - Further Particulars Compatibility with Devices
  - Further Particulars Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Further Particulars
  - Highlighting and Note-Taking Further Particulars
  - Interactive Elements Further Particulars
8. Staying Engaged with Further Particulars
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Further Particulars
9. Balancing eBooks and Physical Books Further Particulars
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Further Particulars
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Further Particulars
  - Setting Reading Goals Further Particulars
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Further Particulars
  - Fact-Checking eBook Content of Further Particulars
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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