

Herbstein and Van Winsen: The Civil Practice of the High Courts and the Supreme Court of Appeal of South Africa

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About this Publication:

First published in 1954, this work has become the standard source of reference for every lawyer practising in the High Courts and every scholar interested in the law of civil procedure.

Now also available online, the fifth edition has been comprehensively revised to incorporate legislation brought into operation and judgments handed down since publication of the previous edition in 1997, most notably those flowing from the 1996 Constitution. This work offers a comprehensive discussion and analysis of civil proceedings in the high courts of South Africa, arranged by topic, from jurisdiction to appeal and review.

Contents Include:

- Full text of the printed work, including:
 - The law of civil procedure and the high courts of South Africa
 - Jurisdiction
 - Attachment of property to found or confirm jurisdiction
 - Arrest tamquam suspectus de fuga
 - Parties
 - Joinder of parties and causes of action, separation of trials, and consolidation of actions
 - Demands and statutory notices
 - Powers of attorney
 - Form of proceedings
 - Stay of proceedings
 - Service of process
 - Edictal citation
 - Security for costs
 - Applications
 - The summons
 - Notice of intention to defend
 - Summary judgment, eviction and the National Credit Act
 - Pleadings and the general provisions applicable to pleadings
 - Declaration and particulars of claim
 - Plea
 - Offer to settle and tender to perform
 - Exceptions
 - Application to strike out
 - Replication, subsequent pleadings in convention and close of pleadings
 - Pleadings in reconvention
 - Amendment of pleadings and documents
 - Judgment on confession and by default and summary dismissal of actions or defences
 - Extension or abridgment of time, condonation, revival of rule *nisi*, barring and removal of bar
 - Irregular proceedings
 - Set-down of trial actions, withdrawal of proceedings, abandonment of judgments, settlement, postponements and the pre-trial conference
 - Removal of proceedings from one division to another
 - Discovery, inspection and production of documents
 - Preparation for trial
 - Trial and hearing
 - Judgments, orders, rulings, decisions and variation, abandonment and setting aside of judgments and orders $\,$
 - Costs
 - Execution
 - Contempt of court
 - Appeals
 - Review
 - Provisional sentence
 - Special cases, the separate determination of issues and interim damages awards
 - Declaration of rights
 - Interdicts
 - Anton Piller orders
 - Vexatious proceedings, perpetual silence, the Patents Act and the Designs Act
 - Special provisions relating to matrimonial matters
 - Appointment of a curator
 - Pauper proceedings
 - Table of Statutes and Rules of Court
 - Table of Cases
 - A comprehensive index
- Handy jump links allow for easy navigation within the product

- Links to referenced legislation and case law for subscribers to the relevant online publications
- Fully searchable electronic functionality
- Follows page numbering of print version for ease of reference

Of Interest and Benefit to:

- Judicial officers
- Law practitioners
- Law students