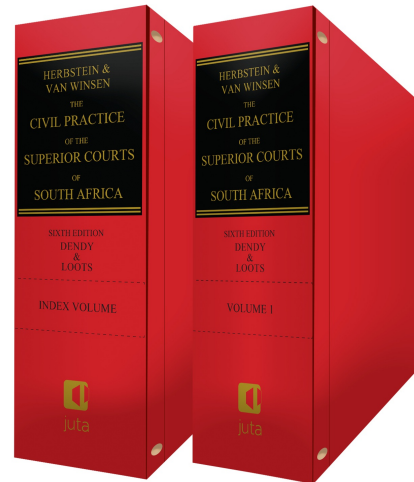


# Herbstein and Van Winsen - The Civil Practice of the Superior Courts of South Africa - Jutatstat Evolve

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| <b>Author/Editors:</b>   | <b>Dendy, M Loots, C</b>   |
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## About this Publication:

The sixth edition of the leading South African work on civil procedure in the superior courts, Herbstein and Van Winsen – now entitled *The Civil Practice of the Superior Courts of South Africa* – under the co-authorship of Mervyn Dendy and Cheryl Loots, is now available as a loose-leaf work, which will be updated on an ongoing and regular basis. In its completed form as a work of three volumes (comprising 53 chapters) plus an index volume, Herbstein and Van Winsen will function as a comprehensive guide to all aspects of civil practice in the High Court, the Supreme Court of Appeal and (for the first time in Herbstein and Van Winsen) the Constitutional Court of South Africa. The sixth edition includes coverage of all relevant civil cases reported in the South African Law Reports, South African Criminal Law Reports, and other relevant law reports, with detailed parallel citations given throughout the work – enabling judges and practitioners to locate immediately a passage or dictum in any report in which the judgment in question is published.

The work also includes extensive coverage of important new developments in the law, including: the enactment of the Superior Courts Act 10 of 2013, the National Credit Act 34 of 2005, the Legal Practice Act 28 of 2014 and the amended uniform rule 32, regulating applications for summary judgment; the forum conveniens doctrine; class actions; the provision by companies of security for costs; the defences of res judicata, issue estoppel and the doctrine of collateral challenge; and applications for default judgment where an order is sought declaring executable immovable property occupied as a home. The commentary by the authors is detailed and includes suggestions for further development of the law, where appropriate.

Volume 1 and the index volume are currently available, covering the first 23 of the work's 53 chapters, including chapters on the structure of the superior courts in South Africa, jurisdiction, attachments of property to found or confirm jurisdiction, parties, representation of parties, authority to institute and defend proceedings, joinder of parties and causes of action, separation

applications, the summons, notices of intention to defend, summary judgment, general provisions applicable to drafting and signature of pleadings, the declaration and particulars of claim, the plea, offers to settle and tenders to perform, the replication and subsequent pleadings, pleadings in reconvention, and default judgment and rescission. The original service includes coverage of cases reported up to 30 September 2021, as well as changes to rules of court up to and including 1 February 2022. Additional chapters and updates to existing material will be published as part of each service issue, commencing in mid-2022.

### **Publication Highlights**

- Regularly updated
- Coverage of all aspects of civil practice in the High Court, the Supreme Court of Appeal and the Constitutional Court
- Comprehensive coverage of cases reported in the South African Law Reports, the All South African Law Reports, Butterworths Constitutional Law Reports and the South African Criminal Law Reports
- Parallel citations of cases reported in more than one law report, enabling judges and practitioners to locate passages in any law report in which the relevant judgment appears
- Extensive coverage of new legislative developments, including the Superior Courts Act 10 of 2013, the National Credit Act 34 of 2005, the Legal Practice Act 28 of 2014 and the amended uniform rule 32 regulating summary judgment
- Detailed commentary by the authors and suggestions for reform of the law, where appropriate
- Original service (volume 1 and index volume) covers structure of the superior courts, jurisdiction, parties, authority to institute and defend proceedings, joinder of parties and causes of action, demands and statutory notices, form of proceedings, service of process and other documents, edictal citation, security for costs, applications, the summons, notices of intention to defend, summary judgment, drafting and signature of pleadings, the declaration and particulars of claim, the plea, offers to settle and tenders to perform, the replication and subsequent pleadings, pleadings in reconvention, default judgment and rescission, and related topics
- Original service covers cases reported up to 30 September 2021 and amendments to rules of court up to 1 February 2022
- Additional chapters and updates to existing material to be published in subsequent service issues, commencing mid-2022

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## **Of Interest and Benefit to:**

- Attorneys
- Advocates
- Judges
- Magistrates
- Academics
- In-house counsel
- Students