JABATAN KEHAKIMAN SARAWAK
93506 KUCHING, SARAWAK TEL: 082/244721

(82)

Bil. Kami:(82)dlm.JUD/619

Tarikh: 25 April, 1989

Tuan/Puan,

Registrar's Circular No. 2/89

For the sake of uniformity we are adopting Practice Direction No.2 of 1989 issued by Ketua Pendaftar of Supreme Court Malaya.

The practice is as follows:-

Re: Consent Order under Order 32 rule 16 of the Rules of the High Court 1980

1. Under the above provision of the Rules a Judge if satisfied that all parties to an application in Chambers have been served and have consented to the application may in the absence of the parties or their solicitors order the granting of the application by minute on the file in which case the Court shall inform the applicant or his solicitor in writing of the order.

2. The Hon'ble the Chief Justice Malaya is concerned that the definite saving of time and expense that the exercise of the powers under the above provision offers has not generally been appreciated and taken advantage of by practitioners and judges with the result that much time is wasted by the parties or their solicitors attending in uncontested Chamber applications.

3. The Hon'ble the Chief Justice Malaya has accordingly directed that henceforth, with the view to saving time and costs but subject to the requirements hereinafter mentioned, a party may apply to the Registry of the High Court by post for a consent order to be made by the Judge and for such order to be drawn up.

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4. The letter of application shall be accompanied by:

(a) the Summons setting out fully and with sufficient precision the terms agreed upon by the parties concerned;

(b) the written consent of the parties concerned of their Solicitors; the same to be signed and dated and expressly stating that each party consents to the terms agreed as set out in the Summons;

(c) if it is also desired that the Consent Order should be drawn up and extracted, an engrossed copy of the proposed order in duplicate stating fully and with sufficient precision the terms of the agreed order.

5. If the requisite documents are in proper form and order, the Senior Assistant Registrar shall place the proposed consent order before the Judge for his consideration, who if he thinks fit will make the order accordingly.

6. If the Judge makes the Consent Order, the Senior Assistant Registrar shall, as soon as may be practicable, take necessary action for the order to be duly passed and drawn up. Upon extraction of the Order, the Senior Assistant Registrar will return the duplicate copy thereof by post to the party making the application but will retain the original order made by the Judge for filing.

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(AGNES WONG KIEW LING)
Pendaftar,
Mahkamah Tinggi, Kuching.

.....3/-