



Common Law Procedure Act 1854

1854 CHAPTER 125

LII Affidavits by Party proposing to interrogate, and his Attorney.

The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate, of their Attorney or Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is a good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay; provided that where it shall happen, from unavoidable Circumstances, that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may, if they or he think fit, upon Affidavit of such Circumstances by which the Party is prevented from so joining therein, allow and order that the Interrogatories may be delivered without such Affidavit.