



REPUBLIC OF SOUTH AFRICA

**No. 5A - Request for Judgment where the defendant has admitted liability and undertook to pay the debt in instalments or otherwise – Section 57 of the Magistrates' Court Act, 1944 (Act No. 32 of 1944)**

IN THE MAGISTRATE’S COURT FOR THE DISTRICT/REGION OF .....

HELD AT ..... CASE NO: .....

In the matter between:

..... Plaintiff

and

..... Defendant

Plaintiff requests that judgment in the above-mentioned matter in terms of section 57(2) of the Magistrates' Courts Act, 1944, be noted in his/her favour against the defendant as follows:

Judgment debt: R.....

Costs: R.....

Outstanding balance of the debt [Section 57(2)(c)(i)] R.....

Interest at .....per cent per annum accounted from.....day of.....20.....

Collection fees [section 57(1)(c)] R.....

Summons, if any (attorney's charges, sheriff's fees and sheriff's fees on re-issue) [section 57(1)

R.....

Cost of affidavit or affirmation by plaintiff/certificate by plaintiff's attorney [section 57(2)(c)]

R.....

Cost of registered letter [section 57(1)] R.....

Cost of notice in terms of rule 54(1) R.....

Letter of demand (section 56) R.....

Request for judgment (section 57) R.....

Admission of liability and undertaking to pay (section 57) R.....

Total R.....

plus further interest at ..... per cent per annum as from the date of judgment to the date of payment, and that payment thereof take place in accordance with defendant's offer.

The following documents are attached:

- (a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944.
- (b) The defendant's written acknowledgment of liability towards the plaintiff for the amount of the debt and costs claimed (or for any other amount) and his/her offer.
- (c) A copy of the plaintiff's or plaintiff's attorney's written acceptance of the offer.
- (d) An affidavit (or affirmation) by the plaintiff/a certificate by the plaintiff's attorney in terms of section 57(2)(c) of the Magistrates' Courts Act, 1944.

Dated at ..... this .....day of ....., 20.....,

.....

Plaintiff/Plaintiff's attorney

.....

(Address)

Judgment noted on the ..... day of ..... 20 ..... in favour of the plaintiff for the amount of R..... and the amount of R..... costs. The defendant is further ordered to pay the said judgment and costs in monthly/weekly instalments of R..... The first instalment must be paid on or before ..... and thereafter on or before the ..... day of every succeeding month/week until the outstanding balance of the judgment debt and costs has been paid in full.

.....

Registrar/Clerk of the Court