



How can I make my court case cost less – Part II – Interrogatories

In our earlier blog post, Part I, about Notices to Admit, we talked about ways to reduce the cost of litigation and disputes about facts or documents. You are able to access that [here](#).

Aside from the use of a Notice to Admit under Rule 117.1 of the Uniform Civil Rules 2020 (SA) to compel your opponent to admit or deny (in detail) the truth of a specified fact, or the authenticity, relevance or admissibility of a specified document, Rule 117.5 extends that power to the making of allegations in what is called 'Interrogatories'

The word Interrogatories is based on the concept of interrogation, which is precisely the concept behind Rule 117.5 of the Uniform Civil Rules 2020 (SA).

The process allows you, with the prior permission of the Court obtained by way of application and supporting affidavit and generally only once, to require your opponent to answer specific questions, rather than facts or documents as per the Notice to Admit.

Your opponent, on receiving Interrogatories approved by the Court, must within 28 days respond to each question and can only evade them on the basis that:

1. Not related to an issue in dispute
2. The question is vexatious or oppressive
3. There is proper, legal basis for refusing to respond (such as legal professional privilege).

A failure to respond to Interrogatories is a breach of a Court order and is arguably an act of default on which a default judgment could be obtained. It is also arguably a contempt of Court, and accordingly, unless one of the above three grounds for not responding apply (in which case a response setting them out fully must be provided) the questions contained in Interrogatories must be answered properly and in full.

The content of Interrogatories and the responses can be tendered into Court as evidence at trial, meaning that much time can be saved when comparing the process to asking the questions contained in the Interrogatories for the first time at trial.

Furthermore, an additional benefit of Interrogatories is that the parties learn the answers to questions well prior to trial, which itself may influence trial strategy or the decision to resolve the dispute by other means such as mediation.

The use of Interrogatories, especially when combined with Notices to Admit, is very useful in narrowing the issues in dispute and thereby allowing the parties to litigation to save legal costs. The concepts of Interrogatories will more than likely be raised by your solicitor in any Court process for which you engage our services.