

Learning Units

Learning Units

Learning unit 05: Pleading stage: Function, form and style of pleadings

Prescribed reading

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Read chapter 5 of Marnewick (prescribed textbook).

According to Marnewick: "*Pleadings are written statements in which the parties to an action set out the material facts supporting their respective claims or defences.*" Read chapter 5 of Marnewick and pay particular attention to the terminology of pleadings and the examples of citations provided in this chapter.

Learning outcomes

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On completion of Learning Unit 05, you should be able to:

- discuss the function, form and style of pleadings
- structurally order pleadings
- use correct terminology in pleadings
- define the meaning of "material facts"
- provide correct citations for parties according to a set of facts

Activity

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In **Forum 4 (discussion 6)**, use paragraph 5.4 of Marnewick and Uniform Rule 18(4) as well as your prior knowledge of the law of evidence to prepare a coherent checklist of the distinction between *facta probanda* and *facta probantia* in general. Discuss your answers on myUnisa under **Forum 4 (discussion 6)**.

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