

2.1

NOTICE OF INTENTION TO DEFEND

Be pleased to take notice of the above-named defendant hereby gives "notice of his intention to defend" the above action. (½)

NOTICE OF INTENTION TO EXCEPT

Be pleased to take notice that the defendant intends excepting to the plaintiff's particulars of claim. Defendant will rely on the following: (½)

1. More than three years have elapsed since the date on which the plaintiff avers the sum claimed was due and payable on 30th September 1998; (1)
2. Interest is claimed from a different date to the 30th September; (½)
3. No allegation is made in the pleadings that the plaintiff is entitled to interest from any date other than the date of delivery; (½)
4. For this reason plaintiff's claim fails to disclose a cause of action alternatively is vague and embarrassing. (1)

Be pleased to take notice that the plaintiff is accorded a period of ten days within which to remedy the defect failing which defendant will except to plaintiff's particulars of claim. (1)
[5]

SPECIAL PLEA

1. Plaintiff in his particulars of claim alleges that the plaintiff's claim was due and owing on 30th September 1998. (1)
2. The summons in this action was served on date of 2002. (1)
3. By virtue of the provisions of section 11 of the Prescription Act 68 of of 1969, the plaintiff's claims has become prescribed and is unenforceable, wherefore the defendant prays that the special plea be upheld and that the plaintiff's claim be dismissed with costs. (1)
[3]