

Ch. 2, r. 101

Where...any proceedings...there has...been a failure to comply with the requirements of these rules...the failure shall be treated as an irregularity and shall not nullify the proceeding¹

Ch. 2, r. 103

"The Court shall not wholly set aside any proceedings on the writ or other originating process by which they were begun on the ground that the proceedings were required by any of these rules to be begun by an originating process other than the one employed."

Ch. 2, r. 105

A court **SHOULD ALLOW** preliminary objection (PAO) on ground of NON-Compliance **UNLESS** the court is **PERTINENT** the non-compliance constituted a substantial **MISAPPOINTMENT OF JUSTICE**.

If an action commenced by CR though it should be commenced by writ or writ, the proceedings to be continued as if the cause or matter had been begun by writ - as per **Ch. 2, r. 101**. And in such circumstances the court may order that the affidavits filed in support of proceedings or other documents - as per **Prog. Cont. Order = See Prog. Cont. Order Co Ltd**²

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1. **Harold Walker for John Walker** [20th June 2012], **Israel's Key to Civil Procedure** 1st ed. Israel (McMillan Ltd. Kuala Lumpur).
2. **Russ Nelson** (2004), **Civil Procedure** 1st ed. CLP Series, Lexis Nexis Printing Inc., Kelowna.

¹ (2002) PAR. 211

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