



Common Law Procedure Act 1852

1852 CHAPTER 76

Proceedings to revive

CXXX Proceedings upon Application for Suggestion to revive Judgment.

Upon such Application, in case it manifestly appears that the Party making the same is entitled to Execution, the Court or Judge shall allow such Suggestion as aforesaid to be entered in the Form contained in the Schedule (A.) to this Act annexed, marked No. 8, or to the like Effect, and Execution to issue thereupon, and shall order whether or not the Costs of such Application shall be paid to the Party making the same; and in case it does not manifestly so appear, the Court or Judge shall discharge the Rule or dismiss the Summons with or without Costs: Provided nevertheless, that in such last-mentioned Case the Party making such Application shall be at liberty to proceed by Writ of Revivor or Action upon the Judgment.