

70. Defendant may object to where action commenced

- (1) If a person served with a writ of summons in an action fails to duly file a defence or fails to file together with the defence a notice that he claims that the action was not commenced in the Court sitting at the place prescribed in accordance with section 69, the action shall be deemed to have commenced in the Court at the place so prescribed.
- (2) Where a notice referred to in subsection (1) is so filed, a District Court judge may upon application in chambers determine whether the action was commenced as prescribed in that subsection.
- (3) On the hearing of the application the District Court judge may make such order as he thinks fit.