

164. Where any defendant pleads any ground of defence or counter-claim which has arisen after the commencement of the action, the plaintiff may deliver a confession of such defence; and he may thereupon sign judgment for his costs up to the time of the pleading of such defence unless otherwise ordered. C.R. 295.

CHAPTER VIII.

THIRD PARTY PROCEDURE.

165.—(1) Where a defendant claims to be entitled to contribution or indemnity from or any other relief over against any person not a party to the action, hereinafter called a third party, he may issue a notice in accordance with Form 24 (hereinafter called the third party notice) which shall be sealed in the same manner as the writ of summons, and shall state the nature and grounds of the claim.

(2) A copy of the notice shall be filed, and a copy together with a copy of the statement of claim or, if there be no statement of claim, of the writ, shall be served on the third party within the time limited for the delivery of the defence. C.R. 209.

166. If a third party desires to dispute the plaintiff's claim in the action as against the defendant or his own liability to the defendant, he shall enter an appearance within ten days from the service of the notice, and in default of his so doing, he shall be deemed to admit the validity of any judgment obtained (whether by consent or otherwise) against such defendant, and his own liability to contribute or indemnify, claimed in the third party notice. C.R. 210.

167. Where the third party makes default in entering an appearance, the defendant giving the notice, in case he suffers judgment by default, shall be entitled at any time to move for judgment against the third party to the extent of the contribution, indemnity or relief over claimed in the third party notice. C.R. 211.

168. Where a third party makes default in entering an appearance, if the action is tried and results in favour of the plaintiff, the Judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require, to be entered for the defendant giving the notice against the third party. C.R. 212.