

## CHAPTER 20

### DECREES BY DEFAULT

#### Decrees where party in default

**20.1.**-(1) Without prejudice to the power of the court to grant decree by default in other circumstances, where a party fails to attend before the Lord Ordinary on the calling of a cause-

- (a) on the By Order Roll,
- (b) on the Procedure Roll,
- (c) for a proof, or
- (d) for jury trial,

that party shall be in default.

(2) Where a pursuer is in default under paragraph (1)(a), (c) or (d), the court may grant decree by default against him with expenses.

(3) Where a pursuer is in default under paragraph (1)(b), the court may grant decree of dismissal with expenses.

(4) Where a defender is in default under paragraph (1), the court may grant decree by default against him with expenses.

(5) Where a third party is in default under paragraph (1), the court may grant decree by default against him with expenses or make such finding or order as it thinks fit.