

RULE 52 – DETENTION, PRESERVATION AND RECOVERY OF PROPERTY

Property which is the subject matter of a proceeding

- (1) The court may make an order for the detention, custody or preservation of any property that is the subject matter of a proceeding or as to which a question may arise and, for the purpose of enabling an order under this rule to be carried out, the court may authorize a person to enter upon any land or building.

Fund which is the subject matter of a proceeding

- (2) Where the right of a party to a specific fund is in dispute in a proceeding, the court may order the fund to be paid into court or otherwise secured.

Allowance of income from property

- (3) Where property is the subject matter of a proceeding and the court is satisfied that it will be more than sufficient to answer all claims on it, the court at any time may allow the whole or part of the income of the property to be paid, during such period as it may direct, to a party who has an interest in it or may direct that part of the personal property be delivered or transferred to a party.

Recovery of specific property

- (4) Where a party claims the recovery of specific property other than land, the court may order that the property claimed be given up to the claimant, pending the outcome of the proceeding, either unconditionally or upon terms relating to giving security, time, mode of trial or otherwise as it thinks just.

Compensation for wrongful recovery

- (5) Unless the court otherwise orders, if an order is made under subrule (4) the order shall contain the claimant's undertaking to abide by any order which the court may make as to damages arising out of delivery of the property to the claimant or compliance with any other order.