**The replying affidavit**

1. The replying affidavit is a legal document used to respond to the arguments raised in the answering affidavit, and is therefore usually used by the Applicant
2. One is not compelled to make use of the replying affidavit. If you are of the opinion that the disputes raised by the Respondent are adequately addressed in your Notice of Motion, or require no response, there is no need to file this document.
3. An applicant may file a Replying Affidavit within 3 Court days of service of an Answering Affidavit if new facts were introduced in the Answering Affidavit.
4. In the replying affidavit one is not entitled to make any new averments or raise any new disputes. One is only entitled to respond to that which has been raised in the replying affidavit.
5. There is also no need to repeat that which has already been stated in your Notice of Motion.
6. This template is not designed to be used a fill-out form. The format of this template should be used for your affidavit, but the substance needs to be drafted by you.
7. Each paragraph should contain a single averment/allegation to maintain clarity.
8. It is best that your reply follow the same chronology as the issues raised in the answering affidavit you are responding to so that it is easy to follow.
9. Text indicated within “[ ]” is a field where you enter the details. For example:
   1. “[Applicant]” should be replaced with the Applicant’s name;
   2. “[Day]” should be replaced with the day of the month

**IN THE STUDENT COURT OF STELLENBOSCH UNIVERSITY**

**REPUBLIC OF SOUTH AFRICA**

In the matter:

**[NAME(S) OF THE APPLICANT(S)]** First Applicant

**[NAME(S) OF THE APPLICANT(S)]** Second Applicant

And

**[NAME(S) OF THE RESPONDENT(S)]** First Respondent

**[NAME(S) OF THE RESPONDENT(S)]** Second Respondent

**REPLYING AFFIDAVIT**

I, the undersigned,

**[APPLICANT’S FULL NAME]**

do hereby make oath and state that:

**INTRODUCTION**

1. Set out the intention with which you are drafting this document, namely, to dispute the new averments raised in the Respondent’s answering affidavit. You can summarise the core of your dispute or response, should you wish.

**NEW FACTS THAT ARE DISPUTED**

1. Address the new facts and arguments brought forward in the replying affidavit, addressing each point raised separately and under separate headings if they are substantive enough.
2. As stated above, you are only entitled to address new disputes that the respondent(s) brought up in their answering affidavits. There is no need to re-state anything that you have already said in your Founding Affidavit.

**I HEREBY OATH** that I have read and understood the contents of this affidavit, that every averment made is within my personal knowledge unless where expressly indicated otherwise, and that it is submitted in good faith.

**DATED AT STELLENBOSCH ON THIS [DAY] DAY OF [MONTH] 2022.**

[APPLICANT]