

R. 11.01

RULE 11

TRANSFER OR TRANSMISSION OF INTEREST

EFFECT OF TRANSFER OR TRANSMISSION

11.01 Where at any stage of a proceeding the interest or liability of a party is transferred or transmitted to another person by assignment, bankruptcy, death or other means, the proceeding shall be stayed until an order to continue the proceeding by or against the other person has been obtained.

ORDER TO CONTINUE

- 11.02** (1) Where a transfer or transmission of the interest or liability of a party takes place while the proceeding is pending, any interested person may, on filing an affidavit verifying the transfer or transmission of interest or liability and on notice to all parties in the proceeding, obtain on requisition from the Prothonotary an order to continue (Form 11A).
- (2) An order to continue shall be served forthwith on every other party.

FAILURE TO OBTAIN ORDER TO CONTINUE ACTION

11.03 Where a transfer or transmission of the interest of a plaintiff takes place while an action is pending and no order to continue is obtained within a reasonable time, a defendant may move to have the action dismissed for delay, and Rules 24.02 to 24.05 apply with necessary modifications.