

ROYAL COURT
(Samedi Division)

18th January, 1988

Before: Commissioner P.R. Le Cras
assisted by Jurat the Hon. J.A.G. Coutanche
Jurat G.H. Hamon

BETWEEN	Vekaplast Heinrich Laumann	PLAINTIFF
AND	T.A. Picot (C.I.) Ltd	FIRST DEFENDANT
AND	Vekaplast Windows (C.I.) Ltd	SECOND DEFENDANT

Appeal by first and second defendants
against a costs order by
P. Matthews, Greffier Substitut

Advocate C.M.B. Thacker for the plaintiff
Mr T.A. Picot for the first and second defendants

JUDGMENT

COMMISSIONER LE CRAS: We have considered the advice which was tendered by Mr Picot. I propose to stand this over, Mr Thacker, today, to leave Mr Picot make the application to the Greffier, again, seeing as it was the Greffier who gave judgment against you, to see if he will in fact set the

judgment by default aside and see what he has to say there. Two things may happen, he will either set it aside in which case you will be heard, and then if you do not accept his judgment you can come back to us, or he will not hear you in which case you can appeal against that, which is something quite different. And of course even if, the rule is perfectly clear, that any judgment by the Court may be set aside by the Court on such terms as to costs or otherwise as it thinks fit, there is a discretion there.

In fairness to Mr Thacker, this is not to reproach you, Mr Picot, because this (indistinct) muddle does not come, I think its fair to say, isn't it, Mr Thacker, does not come by Mr Picot's experience (indistinct) in the circumstances. On the other hand Mr Thacker has waited an enormously long time for his bill of costs to be taxed, and that has to be decided, and it will be right for us to say that this must be expedited. I think there is no difficulty there, is there Mr Thacker. And also, Greffier, if, subject to any Order, there is an appeal against any Order of the Greffier, we should try to expedite this as well. The Court has no hesitation in saying that. But what I am going to note today is that in the circumstances we would ask that the hearings be expedited. That means that you must go as fast as you can, Mr Picot. And in the circumstances I propose to leave any question of costs over in the cause, Mr Thacker.