

ROYAL COURT
(Samedi Division)

207.

6th November, 1996

Before: F.C. Hamon, Esq., The Deputy Bailiff
Jurat Mrs. B. Myles
Jurat C.L. Gruchy

Between	Premier Group Limited Teltron Limited Teltron Trading (Pty) Limited	Plaintiffs
And	Christopher Niehaus	Defendant
And	City Management Limited Dome Management Limited Hilgrove Nominees Limited Lloyds Bank plc	Parties Cited

Application to strike out Order of Justice, as against Lloyds Bank plc.

Advocate J.A. Clyde-Smith for the parties cited
Advocate M.H.D. Taylor for the Plaintiffs

JUDGMENT

5 THE DEPUTY BAILIFF: This is an application by Lloyds Bank Plc, the fourth party Cited, who are enjoined as a result of an Order of Justice signed by the Bailiff on the 28th October, 1996. This is not a question of jurisdiction, but an application brought by Lloyds Bank, one of the four Parties Cited for the Order of Justice against the Bank to be struck out as disclosing no reasonable cause of action or as being an abuse of the process of the Court. It is quite clear on reading the Order of Justice that there is absolutely no mention of Lloyds Bank within the body of the Order but only where they appear in order that the injunctions that have been obtained shall bite. We are not satisfied that the Order of Justice is in any way sufficient against Lloyds Bank.

15 Mr. Clyde-Smith raised several points, particularly the point that the Order of Justice does not really set out any of the detail as to how Lloyds Bank is involved in any of the transactions and also particularly where it sets out a list of names where further information is sought from the Bank. It is difficult to know how those assets are held and very oppressive for a bank which has to search against names by way of computer even though we note, in the background given to us by Mr. Taylor, that £3,500 was ordered as security for the

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are particularly concerned to find that a detailed affidavit was filed by the Plaintiff when the injunction was obtained and that affidavit contains much better information than was set out in the Order of Justice. In fact it has now been disclosed to the Party Cited that a letter was discovered in the drawer of the office of the Defendant when those premises were examined by the Plaintiff and that letter again gives better information than is contained within the Order of Justice.

In the circumstances - and we have listened very carefully to everything that Mr. Taylor has said - we are minded to make a slightly different order than we were originally proposing to make. This came about because when we read the affidavit that was originally filed, we noted that on the 25th October, the Plaintiffs obtained an order from a High Court Judge in the Queen's Bench Division prohibiting the Defendant from removing from England and Wales any of his assets up to the value of £3,500,000. In the circumstances and because of that order we are minded to allow paragraph 13 (1) of the Order of Justice to remain but we will strike out any reference at this time to Lloyds Bank as Party Cited. We will make an order that Lloyds Bank shall be paid its costs of and incidental to today's hearing on a full indemnity basis. But because of matters raised we are minded to give permission to the Plaintiff to re-serve an amended Order of Justice as against the Party Cited but it must do that within seven days.

No Authorities