

IN THE ROYAL COURT

Samedi Division)

18TH APRIL, 1988

BEFORE: Commissioner P.R. Le Cras
Assisted by Jurats Vint and Le Boutillier

BETWEEN	SARUM HOTELS LIMITED	PLAINTIFF
AND	SELECT AGENCIES (JERSEY) LIMITED	FIRST DEFENDANT
AND	BARRY SHELTON	SECOND DEFENDANT

Advocate J.A. Clyde-Smith for the Plaintiff
Mr. B. Shelton on his own behalf and on behalf of the first defendant

Hearing of substantive action - application by the
defendants for leave to file an amended answer on the
ground that new arguments of equity fell to be considered

JUDGEMENT

COMMISSIONER LE CRAS: We find that Mr. Shelton raises an important new point at a very late stage, one not covered in the pleadings and one which Counsel for the plaintiff says has taken him by surprise. However, the point is in our view of sufficient importance that notwithstanding its lateness and notwithstanding Advocate Voisin's letter of the 12th April, 1988, which gave no warning, we propose to permit the defendants to amend their pleading to cover it and this under

Rule 6/12. This must it seems lead to an adjournment of today's hearing, for which Mr. Clyde-Smith has already asked, however we see no need for a long delay. It is a matter which must have been known to Mr. Shelton for some time. The point is a very short one. We have power to abridge the pleadings under Rule 1/5 and we think, Mr. Shelton, that seven days to amend the answer and to put the point that you raised, which was succinctly put *by* you, is quite sufficient, and after that Mr. Clyde-Smith, you will have the usual time to reply if you think necessary and to carry on the proceedings. That will be at your control, will it not? Mr. Shelton must put in his amended pleading within seven days and the adjournment is granted.

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Nb: no authorities cited.