

IN THE HIGH COURT OF JUSTICE
(Civil)

Between:

Plaintiff

.v

Defendant

Mr. Kenneth Foster for the Plaintiff
Mr. Anthony McNamara for the Defendant

1999: Feb. 17;
March 03..

In this matter the Plaintiff is seeking leave of the Court to amend a writ of summons pursuant to **Order 20 rule 5** of the Rules of the Supreme Court and the Defendant is ~~visiting~~ ^{RESISTING} the application.

1. The application is being made in good faith.
2. The amendment can be made without injustice to the other side.

It was necessary therefore to peruse the Court records and try to understand the background and history of the matter and then look at the defence which is being raised by the Defendant.

My own view on the defence is that if it is a good one it would still be valid if the amendment here sought is allowed and may not even need to be amended. Again, the Court could not resist the observation that this amendment may not be absolutely necessary; if the Plaintiff were to succeed on the writ as it now stands the Defendant might well be willing to settle all similar claims arising out of the same cause of action between themselves and the Plaintiff, thereby avoiding unnecessary costs.