

SAINT LUCIA

**IN THE HIGH COURT OF JUSTICE
(Civil)
A.D. 1998**

SUIT NO:347 of 1997

Between:

LEO TRIM

PLAINTIFF

AND

(1) SYLVESTER JOSEPH

(2) NIGEL ELIBOX

DEFENDANTS

Appearances:

Mr. Alvin St. Clair for the Plaintiff

Mr. Peter Foster for 1st Defendants

1998:OCTOBER 8

DECISION

Mitchell J., In Chambers

This is an application by the Plaintiff by Summons filed on 12th June, 1998 for Judgment in Default. Neither Counsel had any law for the assistance of the Court.

The Writ in this matter was filed on 18th April, 1997, and served. On 11th August, 1997 a Consent Order was entered in an interlocutory application. Subsequently, a Request for Defence was filed on 13th May, 1998. There is an Affidavit of Service filed on 25th May, 1998. No Defence was in fact ever served on the Plaintiff and filed. On 12th June, 1998 this application for Judgment in Default was filed, but it too appears not to have been served. The Court cannot proceed to give Judgment in Default without an Affidavit of Service of the Summons for Judgment. The Summons of 12th June, 1998 is dismissed, but may be reissued and served on the Defendant personally.

Mr Foster's Chambers given leave to withdraw from representation of the Defendant.



**JUSTICE I D MITCHELL
HIGH COURT JUDGE (Ag)**