

29th January, 1988.

Wayne Latham

v.

John Martin Thompson

Deputy Bailiff.

A "partie à la cause" is a party to the action. Accordingly the present plaintiff is a party to the action brought by the present defendant against Norman Janes and others with the present plaintiff a "partie à la cause". The principal prayer of the present action is that the injunction be raised and that the plaintiff be discharged from the principal action. The only place for discharge to be regularly sought <sup>is</sup> in a pleading to the original action and not in a separate action. The proper procedure for the raising of an interim injunction is by way of summons. Delay is not a problem because notice of only four days is required. Time can be abridged if a good case is made out and the Court regularly sits at short notice to hear applications to raise or vary injunctions. Rule 7/6 is not in our judgment intended to allow the Court to convert an Order of Justice into a summons or representation and we are not prepared to do so. Accordingly, the present action is placed on the pending list, reserving of course the right of the present defendant to seek a striking out of the action and reserving to the present plaintiff the right to seek by summons the raising of the injunction in the original action.

The plaintiff will pay the defendant's costs relating to this afternoon - taxed costs, of course.