

ROYAL COURT

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25th September, 1989

Before: Commissioner P.R. Le Cras and
Jurats Gruchy and Le Ruez

Between:	St. Bernard's Garage and Hire Cars Limited	Plaintiff	(First Action)
And:	Kenneth Skinner (by original action)	Defendant	
	And		
Between:	Kenneth Skinner	Plaintiff	
And:	St. Bernard's Garage and Hire Cars Limited (by counterclaim)	Defendant	
	And		
Between:	Kenneth Skinner	First Plaintiff	
And:	Beryl Joyce Edlin (wife of Kenneth Skinner)	Second Plaintiff	
And:	Terence John Le Main	First Defendant	(Second Action)
And:	Joan Patricia Le Main (née Brady)	Second Defendant	
And:	St. Bernard's Garage and Hire Cars Limited	Third Defendant	

Procedural matter - whether allegations of alleged breaches of an interim injunction should be heard prior to a submission that the injunctions should not have been imposed by virtue of the fact that there was no cause of action and therefore no legal rights or remedies in respect of the matters pleaded.

Advocate D.F. Je Quesne for St. Bernard's Garage and
Hire Cars Limited, Terence John Le Main and Joan
Patricia Le Main, née Brady.
Advocate P.C. Sinel for Kenneth Skinner and
Beryl Joyce Edlin, his wife.

JUDGMENT

COMMISSIONER LE CRAS: Procedure is for the Court and there must always be a discretion involved. In the present case there is an allegation that an interim injunction has not been complied with, with on the other side a contention in effect by St. Bernard's Garage that it should not have been made at all. Court orders are there to be complied with. They are important and weighty orders. In this case it is the Court's view that the first essential is to ascertain whether the order which is in force has been complied with, or alternatively to enforce it by whatever means are necessary. Once that is dealt with then the application by St. Bernard's Garage should of course come on if necessary with the main action, and any question arising therefrom dealt with in due course. The Court therefore orders that the contempt application by Mr. Sinel be taken first.

Authorities referred to:

Borrie and Lowe's Law of Contempt (2nd edition) Chapters 1 and 13.

Spokes -v- Banbury Board of Health (1865) 1 L.R. at p.p. 42, 44, 48 and 49.