

ROYAL COURT

92A.

5th July, 1990.

Before: F.C. Hamon, Esq., Commissioner, and
Jurats Myles and Le Ruez.

Between:	Martin Paul Day	Plaintiff
And:	City Garage Limited	Defendant

Advocate D.J. Lang on behalf of the plaintiff,
(No one appeared for the defendant company).

JUDGMENT

COMMISSIONER HAMON: On the 23rd August, 1988, an Order of Justice was served by the plaintiff on the defendant company. The claim was unremarkable and an answer and counter-claim were duly filed some four months later. A reply and answer to the counter-claim were filed in turn.

On the 3rd January, 1989, the legal representative of the defendant company wrote to say that they were no longer acting on that company's behalf. Correspondence ensued. It was one sided. Letters have been sent by recorded delivery to the Managing Director of the defendant company. We were shown several recorded delivery letters and a company search which shows that the company is properly constituted. It filed an annual return on the 23rd April, 1990, and it has a Registered Office, Compendium House, 1 Wesley Street, St. Helier, which is the address to which the recorded delivery letters have been posted and received.

Rule 5/6(2)(d) of the Royal Court Rules says that ordinary service is effected by posting or leaving the document at the registered or principal office of the body corporate. The correspondence is unambiguous and leaves no doubt that the defendant company must have known that the hearing was set down for hearing today.

Therefore we give judgment in accordance with the Order of Justice; damages general and specific to be assessed by the Judicial Greffier and if there is any doubt we will refer the matter back to the Court. We dismiss the counter-claim and we award the plaintiff costs on a full indemnity basis.

No authorities.