

ROYAL COURT
(Samedi)

7th June, 1996.

106,

Before: The Bailiff and
Jurats Gruchy and Herbert

Between:	The National Airline Commission of Papua New Guinea	Plaintiff
And:	Henryk Boguhull Chabrowski	Defendant
And:	Lloyds Bank PLC	First Party Cited
And:	Standard Chartered Bank (C.I.) Limited	Second Party Cited

Application for an Adjournment of the Representation of the Plaintiff seeking leave to be released from undertakings contained in the Order of Justice.

Application for an Adjournment of the Defendant's summons to strike out the Plaintiff's Order of Justice.

Advocate M. St. J. O'Connell for the Plaintiff.
Advocate N.M. Santos for the Defendant.

JUDGMENT

THE BAILIFF: This is an application for an adjournment of a summons issued by the Defendant seeking *inter alia* the striking out of the Plaintiff's order of justice on the ground that the Court does not have the jurisdiction to grant the relief contained in the prayer of the order of justice and further for an adjournment of a representation brought by the Plaintiff seeking orders releasing the Plaintiff from the express and/or implied undertakings imposed when interim injunctions were granted by the Deputy Bailiff.

The Court has been told by counsel for both parties that the Plaintiff has also issued proceedings in England based upon the same underlying facts as relate to the Jersey proceedings. Where concurrent proceedings are taking place on the same facts in two separate jurisdictions, it is sensible and in the interests of both parties, so as to avoid incurring unnecessary costs, that the Court should consider whether issues might not need to be argued and determined.

The jurisdictional point taken by the Defendant in the Jersey proceedings does not arise in the English proceedings because the Defendant is resident in that country and has, we are told, assets in that country as well. If therefore the Plaintiff were to be successful in its application for summary judgment, which is due to be heard before the English Court on 21st June, it would then be able to register that judgment in Jersey and recover assets which are subject to the Mareva injunctions obtained from this Court. If the Plaintiff is unsuccessful in its application for summary judgment then of course different considerations will apply and the Court is prepared to give leave so that the summons and representation may be brought back at short notice for the outstanding issues to be argued.

Counsel for the Defendant has conceded that the Court might make an order under paragraph 6(c) of the Representation which will have the effect of releasing the Plaintiff from its undertakings insofar as documents obtained in Jersey are concerned and to use them for the prosecution of the civil proceedings against the Defendant in England. In its application for summary judgment to be heard on 21st June it appears to the Court that there is no prejudice to the Plaintiff in granting the adjournment which is sought by the Defendant.

We accordingly make an order, pursuant to paragraph 6(c) of the representation, on the concession of the Defendant's advocate, releasing the Plaintiff from its express and/or implied undertakings to that extent.

In relation to the Defendant's summons and to the remaining part of the Plaintiff's representation we grant the application for an adjournment subject, as we have said, to the Plaintiff being at liberty to apply at short notice for a further hearing

dependent on the outcome of the hearing in England on 21st June.
Costs will be costs in the cause.

No Authorities.