

ROYAL COURT  
(Samedi Division) 127

4th July, 1997

Before: Sir Philip Bailhache, Bailiff,  
and Jurats Le Ruez and de Veulle

Between:	Hambros Bank (Jersey) Ltd	Plaintiff
And:	Marian Lillian Jasper, née Baker	Defendant

Application under Rule 6/7(5) for Judgment in default of an answer.

Advocate J.A. Clyde-Smith for the Plaintiff.  
The Defendant did not appear and was not represented.

JUDGMENT

THE BAILIFF: This action between Hambros Bank (Jersey) Ltd to which we refer as "Hambros" and Mrs. Marian Lillian Jasper, née Baker, to whom we refer as "Mrs. Jasper" has been continuing for some years. We have been given to understand that without prejudice negotiations have been taking place but we were obviously given no particulars of those negotiations. It appears that those negotiations broke down and on 4th March, 1997, amended particulars of claim were filed by Hambros. No answer to those particulars of claim has been filed by Mrs. Jasper.

Hambros gave notice on 18th June, 1997, to the Judicial Greffier that an application for judgment in default of defence would be made on 20th June and notice of that application was given to Mrs. Jasper. It should, however, be added that correspondence had been taking place between Mr. Paul Victor Jasper, the husband of Mrs. Jasper, and the advocates acting for Hambros during April and May, 1997, and Mr. Jasper had been warned that it was intended to make such an application on 20th June. Copies of all the correspondence between Mr. Jasper and the advocates acting for Hambros were sent to Mrs. Jasper under cover of a letter from Advocate Clyde-Smith of 12th June, 1997.

The Court heard evidence from Mr. Jasper to the effect that this correspondence had been withheld from his wife, who has been receiving treatment for cancer. Mr. Jasper said, however, that his wife was, nevertheless, aware of this application for judgment in default of defence.

When the application came before the Court on 20th June, 1997, Mrs. Jasper did not appear. Mr. Jasper was, however, present and he told the Court that his wife was not fit enough to attend to her affairs in relation to this action on account of her illness.

The Court adjourned the application for two weeks and ordered that Mr. James Todd Allardice and Dr. Alex Michael Blampied, both medical men attending to Mrs. Jasper, be summoned to appear before the Court in order that they might give evidence as to Mrs. Jasper's state of health. Mr. Allardice and Dr. Blampied duly appeared and the Court heard evidence from both. Mr. Allardice told the Court that the medical condition of Mrs. Jasper would not preclude her from giving instructions to a lawyer. She was not bedridden and, indeed, she had attended in his consulting rooms on 17th June. She had attended without assistance and she was able to communicate with him without difficulty.

It seems to us that Mrs. Jasper has quite consciously refused to instruct a lawyer to assume responsibility for the conduct of the action, while at the same time, asserting that she is unable, by reason of illness, to deal with the matter herself. In our judgment this is unreasonable and it would be unfair on Hambros to prolong matters indefinitely. The application is properly made and judgment is accordingly given in default of defence as requested by counsel for Hambros. The particulars of the judgment will be reflected in the Act of the Court to be drawn up by the Judicial Greffier.

**No Authorities.**