

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No.CV2014-01494

Between

Lester Sankar

Claimant

And

Dexter Ramphal
Presidential Insurance Company Limited

Defendants

Before Her Honour Madam Justice Eleanor Donaldson-Honeywell

Appearances

Ms Shelly Khan for the Claimant

Mr. Giri Dhalbarry holding for Mrs. Mrs Patrick for the Defendant

Reasons

Delivered on October 23, 2018

1. On October 9, 2018 an order was made upholding two of the five evidential objections made by the Claimant against the /Defendants witness statement.
2. Parties had been directed to submit such evidential objections, if any, in writing by July 4, 2018. The evidential objections were to be heard at the Pre Trial Review which was postponed to October 9, 2018 due to applications for extension of time by the parties.

3. At the Pre Trial Review hearing on October 9, 2018 I informed the parties of my preliminary views concerning the written evidential objections. Parties were afforded the opportunity to make submissions orally. However, counsel holding for the Claimant neither made any comment nor sought to be heard as to any reason why objections to paragraphs 4 and 5 of the witness statement of Dayanand Nigel Patrick should not be upheld. On the other hand Counsel for the Defendant submitted orally in seeking to persuade the Court to uphold all five of the evidential objections.

4. Accordingly, the preliminary views expressed regarding my intention to uphold evidential objections to paragraphs 4 and 5 were not altered. My ruling regarding the said objections was as follows:

- Paragraph 4 (iii) lines 8 to 9 – the words “copies of which are hereto attached” are struck out.

Reason – the attached exhibit amounts to hearsay as the witness is not the maker of the said document that he is seeking to rely on and the Defendant filed no Hearsay Notice.

- Paragraph 5 in its entirety is struck out.

Reason – The documents referred to were not previously disclosed by the date specified for disclosure herein which was May 14, 2018. Accordingly, pursuant to Part 28.13 (1) of the Civil Proceedings Rules 1998 (as amended) “a party who fails to give disclosure by the date specified in the order may not rely on or produce any document not so disclosed at the trial.”

Delivered on October 23, 2018

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Eleanor Joye Donaldson-Honeywell
Judge.