

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2015-01441

**IN THE MATTER OF AN ACTION UNDER THE SUPREME COURT OF
JUDICATURE ACT CHAPTER 4:01 OF THE LAWS OF THE REPUBLIC OF
TRINIDAD AND TOBAGO**

AND

**IN THE MATTER OF AN ACTION BROUGHT UNDER THE COMPENSATION OF
INJURIES ACT CHAPTER 8:05 OF THE LAWS OF THE REPUBLIC OF TRINIDAD
AND TOBAGO**

BETWEEN

LIONEL RACKAL

(The Representative Claimant of the Estate of Denise Rackal [Deceased])

Claimant

AND

DARRYL LA PIERRE

1st Defendant

THE TRINIDAD AND TOBAGO HOUSING DEVELOPMENT CORPORATION

2nd Defendant

Before The Honourable Mr. Justice Frank Seepersad

Appearances:

1. Mr. Prem Persad Maharaj for the Claimant.
2. Mr. Shankar Bidaisee instructed by Ms Jaggernauth for the Respondent.

Dated: 10th March, 2017

REASONS

1. In this matter the Court carefully considered the request made by the Defendant and felt that the issue raised had the potential to directly impact upon the credibility of Mr. Brooker's evidence.

2. Given the timeline outlined, the Court accepted the explanation as to why the letter that Mr. Brooker is alleged to have issued, was not previously disclosed. The Court found that an efficient use of its time would be spent by having Mr. Brooker return for cross examination and the Court also felt that no useful purpose would have been achieved in using its time to conduct an inter parties hearing in relation to the application. In furtherance of the overriding objective, and in the discharge of its obligation to arrive at a just resolution of the issues before it, the Court formed the view that the presence of Mr. Brooker for further cross examination would provide invaluable assistance to the Court.

3. The Court held the view that it was imperative that Mr. Brooker be given the opportunity to fully respond to the Defendant's assertion and that he should have an opportunity to advance an explanation in relation to the said letter. The Court felt that this course of action was prudent and involved a proportional use of its resources and would ultimately assist it in its ability to make a proper assessment of Mr. Brooker's credibility.

FRANK SEEPERSAD
JUDGE