

THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

SAINT VINCENT AND THE GRENADINES

HIGH COURT CLAIM NO. 302 OF 2004

BETWEEN:

**GREGORY FERRARI (Trading as
WASTE MASTER)**

Claimant

v

THE CENTRAL WATER & SEWERAGE AUTHORITY

Defendant

Appearances:

Mr. S.E. Commissiong for Claimant

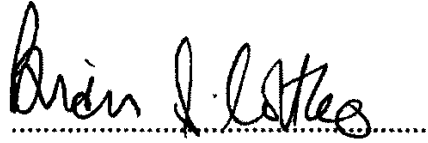
Mr. Perry Joseph for Defendant

2004: 2nd December

REASONS FOR DECISION

- [1] The claim form was served on the defendant on 17th June 2004. The defendant did nothing until about 27th July 2004, when they instructed their legal practitioners. The claimants applied for judgment in default on 15th July 2004. This application was heard on 30th July 2004. At the hearing the defendants were represented. As the defendants had filed no defence or even entered any acknowledgement of service, judgment was entered for the claimant.
- [2] The defendant thus had knowledge of the default judgment on the 30th July 2004. On 4th November 2004 the defendant applied to have the judgment set aside. An affidavit in support of the application was filed by a secretary in the firm of the legal practitioners for the defendant.

[3] In that affidavit there was no explanation advanced for the failure to defend or enter an acknowledgement of service. The affidavit offered no reason for the delay in applying to set aside the judgment in default. In the circumstances of this case I declined to exercise my discretion in favour of the defendant as I considered that they had treated the claim with total disregard.

A handwritten signature in black ink, appearing to read "Brian S. Cottle", written over a horizontal dotted line.

Brian S. Cottle
MASTER