

**IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CIVIL)**

SAINT LUCIA

CLAIM NO. SLUHCV2004/0516

BETWEEN:

JOHN LOUIS

Claimant

and

LEONARD MCLAULDY

Defendant

Appearances :

Mr. S. John for Claimant

Mr. K. Monplaisir Q.C. for Defendant

2007: April 18;
August 13.

RULING

[1] This is an application by the Claimant for assessment of damages. When the matter came up for hearing on April 18th, 2007 it was adjourned pending receipt of the written submissions on that assessment by the Defendant's Counsel.

[2] Upon receipt of those submissions and on a perusal of the entire file, it appears that the application by the Claimant cannot be granted. When this matter came before Shanks J. on February 3rd, 2005 the parties reported to the Court that they had reached agreement. Counsel for both sides undertook to lodge an agreed Order. The agreed Order was never lodged.

- [3] The matter came up before Shanks J. on June 22nd, 2005. Realizing that no order had been lodged, the Judge reduced the agreement of the parties to a Court Order which the Court Office produced. Under that Order the Defendant was to carry out certain works.
- [4] The Claimant considered that the works were not carried out in accordance with the Court Order and applied to have the Defendant committed for contempt. Eventually the works were completed and the Court appointed engineer has certified that the works conform to the Order of the Court.
- [5] The Claimant now applies to have his damages assessed. Unfortunately there has never been any judgment entered for the Claimant for damages to be assessed.
- [6] The Claimant's application is thus dismissed as wholly misconceived.
- [7] I award the Defendant his costs on this application which I assess in the amount of \$750.00.

BRIAN S. COTTLE
HIGH COURT JUDGE