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

SAINT LUCIA

CLAIM NO. SLUHCV2005/0009

BETWEEN:

THE ROMAN CATHOLIC VESTRY OF THE PARISH OF MICOUD

Claimant

And

ERASTUS LUCUMBRE

Defendant

Appearances:

Mr. Dexter Theodore for Claimant
No appearance Defendant. Unrepresented

2009: January 26;
May 26.

JUDGMENT

[1] **GEORGES, J (AG.):** This is an assessment of damages which stems from a motor vehicular accident which occurred along the Dennery High Road as a result of a collision between the Claimant's motor car registration number PC5180 driven by the then Parish Priest of Micoud Fr. Lambert St. Rose and motor Jeep registration number PB4384 owned by the defendant and driven by his servant and agent Lawrence Philgence. As a result the claimant's motor car was a total write off.

[2] In his statement of claim which accompanied his claim form filed on 7th January 2005 the claimant claims damages in negligence interest and costs against the

defendant. Particulars of negligence are set out in paragraph 2 of the statement of claim and at paragraph 3 the claimant avers that:

3. By reason of the matters aforesaid the Claimant has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGE OF CLAIMANT

Pre-accident value of motor-car PC5180	$34,000.00	
Less: Sale of wreck	$11,000.00	
Value of motor-jeep PC5180		23,000.00
Wrecker Service		250.00
Police Report		200.00
Motor Surveyor's Report		120.00
Loss of use while the said vehicle		
Was undergoing repairs – 7 days at $150.00 per day		1,050.00
TOTOAL		**24,620.00**

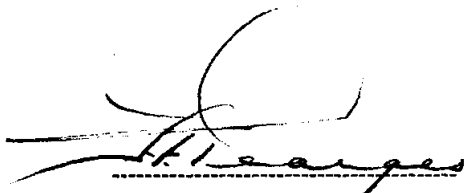
[3] An acknowledgment of service was filed by the defendant's attorney on 21st January 2005 followed by a two paragraph three line defence on 5th July 2005 whereupon the claimant's attorney filed a request for default judgment for an unspecified sum of money as the time for filing and serving his defence had by then expired and no defence or counterclaim had in fact been served on the claimant or his attorney.

[4] On 13th November 2006 Master Brian Cottle (as he then was) ordered that the defence be struck out for failure to comply with CPR 10.5 – no facts having been set out therein on which the defendant relied to dispute the claim. It was also ordered that judgment be entered for the claimant for damages to be assessed and costs.

[5] Notice of application by the claimant for assessment of damages and costs was filed on 30th October 2008 and on 26th January 2009 the claimant's attorney invited the Court to do so on the papers.

[6] On reviewing the motor surveyor's report and the police traffic accident report which were exhibited by the claimant in support of his claim for special damages I am satisfied that the amounts claimed in respect of each head of damage set out therein have been satisfactorily proven and are reasonably justified. I would accordingly allow each one of them. The total in that regard is $24,620.00.

[7] I therefore order that judgment be entered for the claimant against the defendant in the sum of $24,620.00 with interest at 6% per annum from the date of filing the claim on 7th January 2005 to date of payment and prescribed costs calculated at $6,000.00 in accordance with CPR 65.5 (1).



EPHRAIM GEORGES
HIGH COURT JUDGE (AG.)