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Departmental and Other Notices

COMMONWEALTH OF DOMINICA

DOMHCV1998/0530

Between:

Barrington Pond

Claimant

and

Netherland Antilles General
Insurance Corp. NV

Defendants

Before: The Hon. Justice Brian Cottle

Appearances:

Mrs. Noelize Knight Didier for the Claimants
Mrs. Singoalla Blomvist Williams for the Defendants

[2012: May 24th]

[December 18th]

JUDGEMENT

[1] COTTLE J: The claimant owned a truck. He insured it with the defendant company. The policy of insurance was for the period 31st October 1991 to 29th October 1992. The claimant did not pay the entire annual premium. On 13th April 1992 he agreed in writing to pay the outstanding balance of the annual premium by

31st May 1992. The agreement is quite short. I reproduce it in full.

"I, the undersigned hereby agree that I will pay the balance of EC\$1,326.00 on my policy by the 31st day of May, 1992 if not the policy will be automatically cancelled. I also agree that in the event of a claim during the time insured, the full yearly premium will be paid or deducted from my own damage settlement..."

[2] One month later he signed another agreement to pay the balance of the outstanding annual premium by 31st May 1992. It was in even more emphatic terms. It reads:

"I, the undersigned, and proposer for insurance on my truck hereby agree and promise to pay the balance of my premium of EC\$1,326.00 to the company on or before the 31st day of May 1992. I clearly understand that if I fail to keep my promise to pay the aforestated balance of my premium to the Company, then my insurance policy shall be deemed to be cancelled as from the date of breach of my promise and the Company shall not be liable for any loss or damage under the policy occurring thereafter. I also understand and agree that this promise shall be incorporated in and form part of my insurance policy."

[3] The claimant did not pay the money to the defendant as agreed. The claimant says he informed one