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No. 45

Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA

IN THE HIGH COURT OF JUSTICE

DOM HCV2014J228

Between:

Robertson Hypolite *Claimant*

and

[1] Ruth Andrew
[2] Allen Alexander *Defendants*

Appearances:

Mrs. Heather Felix Evans, with her Miss Jamila Alleyne
for the Claimant

Mr. Lennox Lawrence for the Defendants

2015: May 29

RULING

[1] STEPHENSON, J.: This is an application to strike out the defence and counterclaim¹ filed by the defendants on the following grounds:

- (1) That there is no certificate of truth which amounts to noncompliance with the requirements of Civil Procedure Rules 2000; (CPR 2000)
- (2) The counterclaim does not contain a certificate of truth signed by the defendants or their solicitor on their behalves as is required by rule 31.2 of CPR 2000. That the court can strike out any statement of case not verified by a certificate of truth and that any party may apply for such an order.
- (3) That the defendant has not claimed any interest in relation to the relief that is being sought. That in the circumstances he has no *locus standi* to bring the counterclaim as he has sought to do;
- (4) The consistent failures by the defendant to comply with the requirements of CPR 2000;

[2] Learned Counsel Mrs. Heather Felix Evans listed the following failures by the defendant to comply with CPR 2000:

- (1) Late filing of the defence which was due on 31st July 2014 but was filed on 17th September 2014. There was no application regarding the late filing by the defendant;

¹ Filed on the 19 March 2015