

HONG KONG / JUDGMENT

MARBLE HOLDING LTD v. YATIN DEVELOPMENT LTD

COURT

Court of Appeal

DECIDED

26 March 2007

CASE / FILE NUMBER

CACV67/2007

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bjbj cacv 67/2007 in the high court of the hong kong special administrative region court of appeal civil appeal no. 67 of 2007 (on appeal from hca 1127/2004) BETWEEN MARBLE HOLDING LIMITED Plaintiff YATIN DEVELOPMENT LIMITED Defendant Before: Hon Rogers VP in Chambers Date of Hearing: 26 March 2007 Date of Decision: 26 March 2007 D E C I S I O N This is an application for security for costs. The Defendant does not object to giving security but it is the amount that is involved. On these applications the court really has to take an overall view of the matter, judging the sort of case it is and the sort of likely expenses that are going to be incurred. On this occasion the Defendant is saying that the costs should be \$200,000 whereas the Plaintiff is saying that the security for costs should be \$322,500. The Plaintiff estimates that on the basis of a two-day appeal and the Defendant on the basis of a one-day appeal. I am pretty sure that if the matter comes in front of this court, it will only take one day. If it comes in front of another court, it might well take two days, I do not know. I have to cater for the fact that this case might be set down for two days in which case, looking at counsel s fee and the solicitor s fee, I think that the right amount in this case, taking all matters into consideration and balancing it all, I consider that the appropriate amount would be about \$250,000, which is what I am going to order as security. So the order will be in the standard form, which was handed to the parties. The costs of the application be costs on the appeal. (Anthony Rogers) Vice-President Ms Susan Liang, of Messrs Susan Liang & Co., for the Plaintiff/Respondent Mr C.K. Wong, of Messrs Charles Yeung, Clement Lam Liu & Yip, for the Defendant/Appellant PAGE - A B C D E F G H I J K L M N O P Q R S T U V 1udk 1udk 2QX[H; < jFen & 6" ABC-Final (fair)1.dot setup Microsoft Word 9.0 Judiciary Title Source Erica Microsoft Word Document MSWordDoc Word.Document.8

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