

HONG KONG / JUDGMENT

SINGH SUKHDEV v. GREAT EXPECT DEVELOPMENT LTD

COURT

Court of First Instance

DECIDED

13 March 2007

CASE / FILE NUMBER

HCPI836/2006

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bjbj HCPI 753/2005 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE PERSONAL INJURIES ACTION NO. 753 OF 2005 BETWEEN SINGH SUKHDEV Plaintiff GREAT EXPECT DEVELOPMENT LIMITED Defendant HCPI 836/2006 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE PERSONAL INJURIES ACTION NO. 836 OF 2006 BETWEEN SINGH SUKHDEV Plaintiff GREAT EXPECT DEVELOPMENT LIMITED Defendant Before : Hon Sakhrani J in Chambers Date of Hearing : 13 March 2007 Date of Judgment : 13 March 2007 J U D G M E N T AUTONUMOUT This is an appeal from an order made by Master B. Kwan at a Check List hearing on 5 February 2007. She ordered, inter alia, that

- (1) The Plaintiff's solicitors to obtain a letter from Dr. Danny Tsoi for his explanation for the alleged typographical errors in items 2 and 3 of his report dated 10 October 2005 within 28 days, i.e. 5 March 2007; Dr. Tsoi shall inform the Court whether he had ever seen the documents referred to in items 2 and 3 of his report; A copy of the explanation of Dr. Tsoi shall be sent to the Defendant's solicitors and to the Court within 14 days thereafter, i.e. on or before 19 March 2007. AUTONUMOUT She also ordered that the costs of that hearing be to the defendant in any event. AUTONUMOUT Mr. Wright, for the plaintiff submits that the Master should not have made the above order but should have accepted the explanations proffered by the plaintiff's solicitors. The explanations were that there were typographical errors when referring to two reports mentioned in Dr. Tsoi's medical report dated 10 October 2005 and that the errors had been corrected by a revised page 2 of Dr. Tsoi's report. Those explanations were proffered by the plaintiff's solicitors to the defendant's solicitors in January prior to the Check List hearing. He submits that the Check List hearing on 5 February 2007 was unnecessary. AUTONUMOUT After the order that was made by the Master on 5 February 2007, it transpires that Dr. Tsoi has by a letter dated 9 February 2007 proffered the explanation that his earlier report dated 10 October 2005 contained typographical errors in respect of two reports mentioned therein. The errors were due to his secretary copying directly the list of documents from an instruction letter from former

solicitors for the plaintiff which contained errors. AUTONUMOUT I am informed that on 5 February 2007 at the Check List hearing the Master sought to clarify the matter and asked the handling solicitors for the plaintiff whether or not she could produce all the medical reports referred to by Part B, page 2 of Dr. Tsoi s medical report dated 10 October 2005. The solicitors for the plaintiff, I am told, informed the Master that the plaintiff intended to replace page 2 of the medical report of Dr. Tsoi and the Master made the comment that the replacement of page 2 by way of the plaintiff s solicitors own arrangement without giving an explanation from Dr. Tsoi himself was not acceptable. AUTONUMOUT In my view, as a matter of case management, the Master was trying to ascertain whether all the medical reports had been disclosed in compliance with directions given. At the Check List hearing on 5 February 2007 she sought clarification of the same. She was, in my view, entitled to require Dr. Tsoi to provide the explanation that he has now given. The Master apparently took the view that the explanation given by the solicitors should be provided by Dr. Tsoi himself and that is what he has now done. I see nothing wrong in the course adopted by the Master as a matter of case management. AUTONUMOUT I dismiss the appeal. (Arjan H. Sakhrani) Judge of the Court of First Instance, High Court Mr John Wright, instructed by Messrs John M. Pickavant & Co., for the Plaintiff Ms E. Chan of Messrs Day & Chan, for the Defendant PAGE PAGE - A B C D E F G H 1udk 1udk E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N O P Q R S T U V 1udk (#p# (#p# (#p# (#p# &`#\$ r p# r p# (#p# (#p# r p# r p# (#p# "@AB9D / Jz @m2z]C]6 uxB26I]C]6 & 6" abc-sak-HCPI.dot setup Microsoft Word 9.0 Judiciary Title Microsoft Word Document MSWordDoc Word.Document.8

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