

JERSEY / JUDGMENT

Degano v Houze [2012] JCA 037 (20 February 2012)

[2012] JCA 037

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Court of Appeal February 2012 Before : Dame Heather Steel, D. B. E., President; M. S. Jones, Q. C., and; J. W. McNeill, Q. C. Between Degano Limited Appellant And Houzé Construction Limited Respondent Appeal against the order made by the Royal Court on 19 September, 2011. Advocate S. M. Chiddicks for the Appellant. Advocate S. Franckel for the Respondent.

JUDGMENT

MCNEILL JA: 1. This is the judgment of the court, which has now considered the respective written applications by the parties and noted certain subsequent correspondence. 2. Whilst the successful Appellants have made applications both in respect of the proceedings below for partial indemnity costs, we do not consider that the manner in which the proceedings below were conducted was such as to merit consideration of such an award. 3. In the whole circumstances we consider that the present proceedings are characterised as merely an application below which, in our opinion, should not have resulted in the Act pronounced; followed by a successful appeal correcting that position. 4. The Appellants are therefore entitled to costs on the standard basis on Appeal. Unusually, the Appellants were awarded costs below, albeit restricted. We consider that we should not interfere with that order. The learned Deputy Bailiff's determination appears to have reflected not success before the Royal Court, but a more refined view of proceedings before that court which our judgment of 27 January does not disturb. No Authorities Page Last Updated: 17 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 23 October 2026 · Esheria