

JERSEY / JUDGMENT

Milner v Milner Laboratories

[2000] JRC 123 (03 July 2000)

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JUDGMENT

THE BAILIFF: 1. This is an application by the Respondents to this representation for an extension of time within which to comply with paragraph 2 of the Order made ex parte by the Court on 20th June, 2000. That Order provides (having corrected the typographical error): "That ... Mr. Leech, Mr. Smith and Mr. Sim shall within 10 working days of the date hereof make and file an affidavit disclosing, so far as lies within their knowledge, understanding or belief, the use to which all monies advanced by the company to Glen Investments Ltd or entities associated with any of them and all monies so advanced by third parties but secured by assets of the company or guaranteed by the company have been put, the whereabouts of all assets so acquired and the nature, extent and whereabouts of any profits so generated." 2. Mr. Preston's argument was succinct. He submitted that, on the basis of an affidavit sworn by one of the respondents, Richard John Smith, a Chartered Accountant, it would take far more than 10 working days to comply with the Order and indeed Mr. Smith estimated that the task could take many months. 3. Miss Lacey's answer was that the representor would be prepared to extend time if the respondents agreed unequivocally that the information would be provided. That agreement has not been forthcoming and it is clear that the application for an extension of time is really intended to allow the respondents more time to file a further summons seeking to set aside or vary all the injunctions and to prepare arguments for that purpose. 4. This does not seem to us to be satisfactory. If the intention is to challenge the Order which has been made then such a challenge should be made at the earliest juncture. 5. Miss Lacey submitted that there was no reason why lawyers acting for the respondents could not have absorbed the representation and marshalled a response within three days. We agree. 6. Having regard to the history of requests by the representor for information as to the management of this company in which she is a minority but substantial shareholder and the failure of the directors to provide accounts to the representor we conclude that the request for an extension of time is one which should not be granted. The summons is accordingly dismissed. 7. With regard to costs, my decision is that they should follow the event and I award standard costs to the representor. Authorities R. S. C. (1999 Ed'n): Vol 1: O.43. Re First Express, Ltd [1992] BCLC 824. Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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