

Neutral Citation No: [2019] NIQB 53

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Ref: COL10971

Delivered: 30/5/2019

No: 124118

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

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**QUEEN'S BENCH DIVISION
COMMERCIAL LIST**
—————

Between:

CARL FRAMPTON

Plaintiff

and

**CYCLONE PROMOTIONS LTD
(COMPANY No: NI619080)**

Defendant

—————
RULING ON PLAINTIFF'S REQUEST FOR PARTICULARS
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COLTON J

Introduction

[1] The Statement of Claim in this action is undated but it was before the court at the hearing of a jurisdictional dispute in February 2018. Subsequent to a ruling in that dispute a defence was served on 18 January 2019.

[2] On 11 February 2019 the plaintiff served a Notice for Further and Better Particulars in respect of the defence which contained four requests. At a hearing on 19 March 2019 the court made an order that the defendant's file/serve replies to the Notice for Further and Better Particulars on or before 29 March 2019.

[3] Replies to Particulars were served under cover of a letter dated 18 March 2019.

[4] The plaintiff challenges the adequacy of the defendant's reply to the request "under paragraphs 9 and 11A". Under the request the plaintiff sought Further and

Better Particulars of "... the plaintiff well knew that he was entering into an agreement with ... the defendant ...":

- "(a) Please state whether the defendant relies on any facts or matters in support of this averment beyond those pleaded at paragraphs 9-11 of the defence;
- (b) if so, specify the additional facts and matters relied upon."

[5] The defendant's reply was in the following terms:

"The defendant relies upon the content of the defence. Anything more would be a matter of evidence. Furthermore, the plaintiff in his own Statement of Claim pleads, inter alia, at paragraph 17:

'At the date of the agreement the plaintiff was only privy to the existence of the defendant and not to the existence of the Cyclone Promotions (UK) Ltd.'

The defendant relies upon that averment of the plaintiff."

[6] It is clear from reading the defence that paragraph 11(b) thereof should refer to "was aware of the existence of the defendant" as opposed "of the existence of the plaintiff".

[7] In light of the reply I interpret this to mean that the defendant will not rely on any facts or matters in support of the relevant allegation other than those set out in the defence and the further matter referred to in the reply. If the defendant does intend to rely upon any other "fact or matter" in support of this allegation then it should be pleaded. It seems to me that the matter is adequately pleaded.