
Current Law Cases

Scope stay of proceedings; stay pending payment of costs in earlier related proceedings; no element of procedural duplication

Case **Society of Lloyd's** v Jaffray _____

Court (QBD (Comm Ct)) Commercial Court

Judgment January 22, 1999

Judges Colman, J.

Reported [1999] 1 All E.R. (Comm) 354; [1999] C.L.C. 713; [1999] Lloyd's Rep. I.R. 182

Abstract L applied to stay claims for damages brought against it in consolidated proceedings by Lloyd's Names until the payment of costs earlier awarded to it in related summary judgment proceedings arising due to non payment of the Equitas reinsurance premium. In the summary proceedings, allegations of fraudulent misrepresentation had been made by the Names but it had been unnecessary to determine the merit of those allegations. In support of its application, L relied on the settled practice of granting such a stay where a party who had been unsuccessful in one action commenced further proceedings in respect of the same subject matter. Held, dismissing the application, that the essential ingredient for the practice of granting a stay pending satisfaction of an earlier order for costs was not present. The prosecution of the claims involved no element of needless procedural duplication. The fraud issues could not previously have been determined and there had been no earlier proceedings at which they could have been determined.

Subject Civil procedure

Keywords Costs, Stay of proceedings

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