

General Form of Judgment or Order

In the County Court at
Canterbury

Claim Number D00CT632

Date 15 June 2020



WILLIAM OFFLEY HINCHLIFFE FRIEND

1st Claimant
Ref TDH/KAD/
FR0844/0013

PETER ROBERT MILES

1st Defendant
Ref CD/40737/1

Before His Honour Judge Simpkins sitting remotely at the County Court at Dartford, Court House, Home Gardens, Dartford, Kent DA1 1DX

ORDER

UPON HEARING Counsel for the Claimant, Mr Jonathan McNae, and Counsel for the Defendant, Dr Timothy Sampson

AND UPON the trial of the Claimant's Part 8 Claim

AND UPON the Defendant's application dated 22 April 2020 for permission to rely upon further witness evidence ('the Defendant's application')

AND UPON the hearing being conducted by remote video conferencing

AND UPON the Court considering that it is appropriate to give directions in relation to a related claim between the parties under Claim No F00CT621 and the parties agreeing to the same

IT IS ORDERED THAT:

The court office at the County Court at Canterbury, The Law Courts, Chaucer Road, Canterbury, Kent, CT1 1ZA. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 01227 819200. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

1. The Deed of Grant in the form annexed to this Order ('the Deed') is to be validly executed by the Defendant and an original version shall be returned to the Claimant's solicitors by 4.00pm on 9 June 2020.
2. In default of the Defendant's compliance with the requirements of Paragraph 1, above, the Claimant may request a District Judge of the County Court sitting in Canterbury to execute the Deed on the Defendant's behalf pursuant to s.39(1) of the Senior Courts Act 1981 and s.38 of the County Courts Act 1984 by submitting any such request to HHJ Simpkins.
3. The Defendant's application is dismissed as being totally without merit.
4. It is hereby declared that the Claimant is entitled to his costs of and incurred in relation to the preparation, execution and referral for determination of the terms of the Deed pursuant to the terms of the indemnity contained Paragraph 8 of the Schedule to the Order dated 16 July 2013 in proceedings between the parties before the Property Chamber, Land Registration Division, First-Tier Tribunal under Ref 2012/0164 ('the Indemnity'). For the avoidance of doubt, the Claimant's entitlement under the Indemnity includes all of his costs incurred within these proceedings.
5. The Defendant shall pay the Claimant's costs falling within the Indemnity pursuant to CPR 44.5; with such costs to be subject to a detailed assessment if not agreed; and with such assessment to be conducted on the indemnity basis.
6. The Defendant shall pay the Claimant's costs of the proceedings, if and to the extent that they are not covered by the Indemnity; with such costs to be subject to a detailed assessment if not agreed; and with such assessment to be conducted on the indemnity basis.
7. The Defendant shall make a payment on account of the costs payable in the sum of £40,000 by 4.00pm on 9 June 2020.
8. For the purpose of case management, the Claim between the parties issued under Claim No F00CT621 shall stand automatically dismissed without further Order upon the execution in valid form of the Deed annexed hereto, or 26 July 2020, whichever is sooner. The costs of those proceedings shall be subject to a detailed assessment if not agreed; and with such assessment to be conducted on the standard basis. If there has been no agreement to costs, then the detailed assessment of the costs of both proceedings shall be managed and heard together.

[ANNEXURE – the Deed]

Dated 26 May 2020