

ROYAL COURT
(Samedi Division)

89

27th JUNE, 1990

Before: P.R. Le Cras, Esq., Commissioner,
and Jurats Blampied and Hamon

<u>BETWEEN</u>	PARAMOUNT AIRWAYS, LIMITED	<u>PLAINTIFF</u>
<u>AND</u>	RYCO TRUST, LIMITED	<u>FIRST DEFENDANT</u>
<u>AND</u>	HAMBROS BANK (JERSEY) LIMITED	<u>SECOND DEFENDANT</u>

Application by the First Defendant to stay
the Jersey proceedings, pending
determination of the English proceedings

Advocate P. De C. Mourant, for the First Defendant
Advocate S.E. Fitz for the Plaintiff
The Second Defendant did not appear.

JUDGEMENT

The Commissioner: The jurisdiction of the Royal Court to grant a stay is not limited and is one where the Court exercises a discretion. It is, however, (as it is put in 4 Halsbury 37 at paragraph 442,) a serious matter; Halsbury reading "the stay of proceedings is a serious, grave and fundamental interruption in the right that the party has to conduct its litigation towards the trial on the basis of the substantive merits of his case, and therefore the Court's general practice is that a stay of proceedings should not be imposed unless the proceedings, beyond all reasonable doubt, ought not to be allowed to continue". A variety of circumstances are set out in Halsbury and the present application does not fall within any of them. This is, however, not necessarily fatal to the application as it is not, in our view, proper or even possible to close the classes as set out in Halsbury. Each case must turn on it's own facts.
The first defendant is not a party to the litigation in England, however it appears to us that the vital allegation, that of a

breach of fiduciary trust, which is a necessary first step for the plaintiffs to prove, took place in England, and it is our view that it should be heard first in England. We note further that as yet no application appears to have been made to join the first defendant to the English action.

Once the issue is decided there, that is in England, one way or another, it should be a comparatively easy task to dispose of the question here. In spite of the unusual nature of the application we have no doubt but that the proper Order as being expedient in the interests of justice is to stay the proceedings here until further Order, with liberty to either side to reapply on any change of circumstances.

AUTHORITIES

4 Halsbury 37, para 442.

Noel -v- Noel (12th April, 1988) Jersey Unreported.

West and Ors -v- Lazard Brothers and Company (Jersey) Limited (28th
October, 1987) Jersey Unreported; (1987/88) J.L.R.N.6.

Channel Islands & Int'l Law Trust & Ors -v- Pike & Ors. (6th February,
1990) Jersey Unreported.