



OUTER HOUSE, COURT OF SESSION

[2023] CSOH 19

CA96/21

OPINION OF LORD HARROWER

In the cause

ASHTENNE CALEDONIA LIMITED

Pursuer

against

DENNY ENTERPRISES INT'L LIMITED

Defender

Pursuer: A Jones KC (sol adv); Brodies LLP

Defender: M Steel; Harper Macleod LLP

8 March 2023

[1] This is one of three dilapidations claims raised by the landlord of certain warehouses at Nethermains Industrial Estate in Kilwinning. The present dispute concerns Unit 4, Kelvin Avenue. The other two actions concern Unit 2, Kelvin Avenue (CA95/21), and Units 6-8, Simpson Place (CA97/21). The procedural background to all three claims was summarised in my opinion in CA95/21, and issued of even date with this opinion.

[2] Parties agreed that objections 1, 2 and 5 in this action were in identical terms, and fell to be decided in the same way, as objections 1, 2 and 5 made by the pursuer in the action CA95/21. Having repelled these objections, I shall repel objections 1, 2 and 5 here also.

[3] So far as the pursuer's remaining objections 3, 4, 6 and 7 are concerned, the parties have agreed these items in the sum of £5,310.69, and that the reporter should be directed to apportion that sum among the items that are the subject of these objections as he sees fit. I shall direct the reporter accordingly.

[4] Meantime, I shall reserve all question of expenses.