



Neutral Citation Number: [2023] EWHC 318 (KB)

KB-2024-000395

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
COURT 37 (IN PUBLIC)

Royal Courts of Justice
Strand, London, WC2A 2LL

Thursday, 15th February 2024

Before:
FORDHAM J

Between:
STELLA EBOH
- and -
JAMES BAIRD

Claimant

Defendant

The Claimant in person

Hearing date: 15.2.24

Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

FORDHAM J

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

FORDHAM J:

1. The Claimant has issued a “without notice” Form 244 application in the High Court, dated 14 February 2024 (yesterday), asking this court to make an order for an injunction against the Defendant not to sell a property at 98 Sandhurst Rd in SE6. The Defendant has not been notified or served. The Claimant says that he has not attended previous hearings in other proceedings, of which he was notified and served. She says the matter has become very urgent. She tells me that the lender who loaned her money in relation to this property – a property which she purchased in 2003 – is becoming impatient. Her essential claim is that the property was fraudulently purportedly sold to the Defendant by her ex-husband in 2017, a transaction recorded in 2018. As she accepts, there were financial remedy proceedings and there have been county court proceedings. She has disclosed in her papers some documents relating to those proceedings and she was right to do that.
2. What I can see is that in financial remedy proceedings involving the Claimant and her ex-husband in the Central Family Court (reference ZC17D00087), there was a hearing before HHJ Evans-Gordon on 22 May 2023. At that hearing the claimant was seeking an order against her ex-husband for payment of £475,000 plus interest being the value of 98 Sandhurst Rd at the time of sale. The order records the essence of the claims that were being made about that sale by the Claimant. The Claimant has today characterised that May 2023 order as one in which there was a finding of fraud. But what the order actually did was to record the claim being made by the Claimant, and to record the court’s conclusion that it had no jurisdiction in relation to the order that was being sought (for the payment of the £475,000 plus interest).
3. In the Central London County Court there were proceedings (claim reference K03CL984) culminating in an order of HHJ Dight on 7 December 2023. That order dismissed the Claimant’s claim against the Defendant. The circumstances, from the Claimant’s perspective, are described by her in the evidence box within the N244 application notice which she issued in the Central London County Court, in those county court proceedings. That notice is dated 7 February 2024, which I note is two months after the date of HHJ Dight’s order. That evidence box describes the injunction application which the Claimant had made against the Defendant in those county court proceedings, a claim dated 28 June 2023, and the subsequent hearings that had taken place, culminating in the direction for the listing of the hearing on 7 December 2023. It records that the Claimant attended late on 7 December, for reasons which she goes on to explain, and that she was told by the Court staff to make a county court application to set aside the order of 7 December 2023.
4. That application of 7 February 2024, to set aside that order of 7 December 2023, has been made in extant proceedings before the county court. Those proceedings raise the very claim that is now being made before me. The claim is raised in long-standing proceedings which have involved notice to the Defendant. It is, in my judgment, very clear that the way forward for the Claimant is to seek to progress the application dated 7 February 2024 in the court proceedings. The “without notice” application, to this Court, a week later (14 February 2024) for an injunction was misconceived. It is an attempt to secure the very same injunction order that the county court refused, in dismissing the claim on 7 December 2023. If there is a remedy it is the application to set aside route that has been pursued. It will remain a matter for the county court to deal with the procedural and substantive aspects of the case. There is no basis at all

for an urgent without notice injunction from the High Court. The application is dismissed.

15.2.24