

Claim No: KB-2023-001768

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BEFORE DEPUTY MASTER MARZEC

B E T W E E N:

MR RAJA [REDACTED]

and

[REDACTED]



KB-2023-001768

ORDER

UPON the Order of Master Cook dated 16 May 2023 giving the Claimant permission to serve the Claim Form and other documents out of the jurisdiction

AND UPON the Defendant's application dated 20 December 2023 for the Claim Form to be set aside and a declaration that the Court has no jurisdiction to try the claim alternatively that the Court will not exercise any jurisdiction

AND UPON the Claimant's application dated 1 May 2024 for permission to amend the Claim Form to add the tortfeasor as Second Defendant

AND UPON hearing Leading Counsel for the Claimant and for the Defendant

IT IS ORDERED that:

1. Pursuant to CPR 11.1 the Claim Form be set aside and the Court declares that it has no jurisdiction to try the claim against the Defendant.
2. The Claimant do pay the Defendant's costs of the applications.
3. Permission to appeal is refused.

REASONS FOR REFUSING PERMISSION TO APPEAL

The Defendant's application succeeded because I formed the clear view that Spain and not England is the natural and most appropriate forum for this claim. In particular, but without detracting from my full reasons as set out in my judgment, it seems to me that having the English court apply Spanish law would lead to wholly unnecessary complexity, expense and further delay, and would ultimately lead to a judgment that is not automatically enforceable against the Defendant in Spain, leading to more delay and a potentially uncertain outcome for the Claimant. In my view an appeal on this point does not have a real prospect of success, and justice would be best served by this claim proceeding without further delay in its natural forum.

Dated 17th June 2024