

Danielson Development Ltd v Courtney [2002] Adj.C.S. .03/28

Judge: Judge Mackay. (TCC) 28th March 2002

Danielson contracted to build four houses for Courtney on JCT form, Minor Building Works 1998 Ed. Following the failure by Courtney to pay out on interim applications Danielson suspended the works and subsequently referred the payment dispute to adjudication.

Coulson became aware of an alleged plot by one of Danielson's directors to have him beaten up in order to coerce him into paying up. Coulson moved out of the area, but at the same time informed the police about the alleged plot. The police commenced covert investigations of the complaint, with a request that Danielson were not advised of their actions.

Coulson felt that he was not in a position to take an active part in the adjudication. He requested an extension of time, which was refused. The adjudicator returned a default decision.

The police arrested and charged the relevant director of Danielson with conspiracy to cause grievous bodily harm.

The present action involved an application by Danielson for summary enforcement of the adjudicator's decision.

The application was refused. The court held that Courtney's participation in the adjudication was adversely affected his fear of being attacked.

Richard Bradley appeared for the applicant.

Kelly Pennifer appeared for the respondent.