



**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. 452 OF 2001**

**BETWEEN                    THE HON. ATTORNEY-GENERAL  
   OF THE CAYMAN ISLANDS                    PLAINTIFF**

**AND                            GAITRE MAHARAJ                            DEFENDANT**

**WRIT OF SUMMONS**

**TO:    GAITRE MAHARAJ  
         Palm Dale, Crewe Road  
         George Town, Grand Cayman**

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

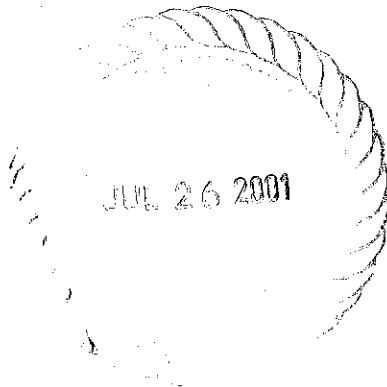
***If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.***

Issued this        day of                            2001

**NOTE** - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

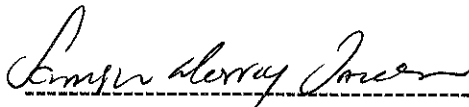
Directions for Acknowledgement of Service are given with the accompanying form.



*Endorsement*

The Plaintiff claims against the Defendant to recover damages in that on or about the 12<sup>th</sup> day of December 2000 the Defendant so negligently drove and operated her Nissan Sentra motor car, bearing license number 75 772, along the Bobby Thompson Way, George Town, Grand Cayman, at the junction of the said road and Smith Road that she caused the same to collide with the Cadillac Deville motor car, bearing license number 95 560 the property of the Cayman Islands Government and thereby caused damage and loss to the Plaintiff.

Dated the 26<sup>th</sup> day of July 2001



Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law for the Plaintiff, whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, 93 Hospital Road, George Town, Grand Cayman.

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**AND**                            **GAITRE MAHARAJ**                            **DEFENDANT**

**STATEMENT OF CLAIM**

1. The Plaintiff is the Attorney-General of the Cayman Islands and brings this suit pursuant to under and in accordance with the Crown Proceedings Law in that the claim brought herein is brought by the Cayman Islands Government.
2. The Cayman Islands Government was at all material times owner of Cadillac Deville motor vehicle bearing license number 95 560 and which was at all material times assigned to the Governor of the Cayman Islands and driven by Glennville Lumsden.
3. That the Defendant was at all material times the owner and driver of Nissan Sentra motor car bearing license number 75 772.
4. On or about the 12<sup>th</sup> day of December 2000 the said Glennville Lumsden was driving the aforesaid Cadillac Deville motor vehicle at the intersection of Smith Road and Bobby Thompson Way, George Town, Grand Cayman when the Defendant so negligently, managed and controlled her said Nissan Sentra motor car along the said Bobby Thompson Way at its junction with Smith Road aforesaid that she caused or permitted the same to violently collide with the said Cadillac Deville motor vehicle, the property of the Cayman Islands Government.

**Particulars of Negligence**

- (a) Driving at an excessive speed in the circumstances;
- (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic that was or might reasonably be expected to be at the said road junction;
- (c) Emerging onto the said road junction without first ascertaining or ensuring that it was safe so to do and when it was unsafe and dangerous so to do;
- (d) Failing to conform to the red light signal which was the showing to her;
- (e) Proceeding beyond the stop line in the said Bobby Thompson Way although the red light signal was then showing to her;

- (f) Failing to have or to keep any or any proper control of his said motor car.
- (g) Failing to stop, to slow down, to swerve or in any other way so to manage or control his said motor car as to avoid the said collision.

4. By reason of the matters aforesaid the Plaintiff has suffered loss and damage.

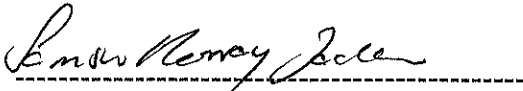
**Particulars of Special Damages**

(a)	Cost of Repairs	<u>CI\$5,134.15</u>
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**AND THE PLAINTIFF CLAIMS:**

1. The sum of CI\$5,134.15;
2. Interest thereon from the 12<sup>th</sup> December 2000 at the rate of 8 3/8% per annum;
3. Costs.

Dated this 26<sup>th</sup> day of July 2001



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Samson Murray Jackson  
Plaintiff's Attorneys-at-Law

Acknowledgment of service of writ of summons (O.12, r.3)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance*

*Please complete overleaf*

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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                                 OF THE CAYMAN ISLANDS      PLAINTIFF**

**AND                            GAITRE MAHARAJ                    DEFENDANT**

**ACKNOWLEDGEMENT OF SERVICE**  
**OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

**Important:** Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted Or given wrongly, ***THIS FORM MAY HAVE TO BE RETURNED.***

Delay may result in judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

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1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick the appropriate box)

 yes no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgement entered by the Plaintiff (tick box).

 yes

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Service of the Writ is acknowledged accordingly

(Signed).....  
[Attorney] for  
[Defendant in person]  
Address for service:

***Please complete overleaf***

*Notes on address for service*

Attorney: where the Defendant is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign Attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office number and the physical address of his residence or, if he does not reside in the Cayman Islands he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered office.

*Indorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any in the box below:*

SAMSON MURRAY JACKSON  
The Ground Floor (West Wing) Sigma Building  
93 Hospital Road, George Town, Grand Cayman  
PO Box 10067 APO, Grand Cayman.

*Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below:*