

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

152
CAUSE NO. - OF 2005

BETWEEN MR. SAYEERAJAN BALAKRISHNAN PLAINTIFF
AND: MR. KENNETH EBANKS DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS: MR. KENNETH EBANKS c/o Mr. Murray, Associated Advocates
Chambers, 2nd Floor, Financial Intergrated Services Building, 196 Shedden Road, Goerge
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 the 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 Acknowledgment of Service stating therein whether
you intend to contest these proceedings.

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

Issued this 1st day of April 2005

NOTE - This Writ may not be served later than 4 calendar months beginning with the
date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. On 29 March 2004, the Plaintiff was riding his motor-cycle registration number 80 328 along West Road at the junction with Lawrence Boulevard when the Defendant so negligently drove his motor vehicle registration number 95 261 out of the petrol station located at the junction of West Bay Road and Lawrence Boulevard that it collided with the Plaintiff and knocked him to the ground.

PARTICULARS OF NEGLIGENCE

- (a) Driving at a speed that was too fast in the circumstances.
 - (b) Emerging onto the main road from the petrol station without first ascertaining or ensuring that it was safe so to do and when it was unsafe and dangerous to do so.
 - (c) Driving out of the petrol station at such speed and without taking proper care and there colliding with the Plaintiff.
 - (d) Failing to keep any or any proper lookout or to have any or any sufficient regard for other road users.
 - (e) Failing to see the Plaintiff in sufficient time to avoid colliding with him or at all.
 - (f) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.
2. Further, the Defendant was convicted on 2 February 2005, in the Summary Court sitting at George Town, Grand Cayman, on his own plea of guilty of careless driving contrary to The Traffic Law, 1991. The said conviction is relevant to the issue of negligence and the Defendant intends to rely on it as evidence in this action.
 3. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES OF THE PLAINTIFF

The Plaintiff whose date of birth is 17 March 1974 sustained multiple injuries including a fractured leg. The Plaintiff will rely on the medical report of Dr. K.C. Sekhar, Orthopaedic Surgeon dated 10 May 2004. The treatment of the Plaintiff is ongoing and he has just had the pins removed from his legs and knee cap.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CI\$)
29 March 2004 to day		\$30,764.12
	Medical expenses ongoing and will be particularized.	
	Miscellaneous expenses ongoing.	

Loss of income to be particularised.

Total \$30,764.12

AND the Plaintiff claims

(i) Damages

(ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.

(iii) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

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AND: MR. KENNETH EBANKS DEFENDANT

ACKNOWLEDGMENT 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 Judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

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

yes no

3. If the claim against the Defendant is for a debt or a 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 judgment entered by the Plaintiff (*tick box*)

yes

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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 box 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 or principal 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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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