

# General Form of Judgment or Order

In the County Court at Leicester	
Claim Number	D53YJ470
Date	8 July 2020

14 JUL 2020



MR RICHARD WALKDEN	<b>1<sup>st</sup> Claimant</b> Ref NJK/WALKDEN
DRAYTON MANOR PARK LIMITED	<b>1<sup>st</sup> Defendant</b> Ref 10AB/KJP- EV1007-70839

Before His Honour Judge Murdoch sitting at the County Court at Northampton, 85/87 Lady's Lane, Northampton, NN1 3HQ.

Upon hearing Counsel for the Claimant and Counsel for the Defendant

## **IT IS ORDERED that**

1. Damages are assessed at £17,600.
2. The claim is dismissed pursuant to section 57(2) of the Criminal Justice and Courts Act 2015.
3. The Claimant shall repay interim payments made to him previously by the Defendant in the sum of £11,000 by 4pm on 28 July 2020.
4. The Claimant shall pay the Defendants' costs of defending and dealing with the claim on the indemnity basis to be subject to detailed assessment if not agreed.
5. The Defendant shall give credit against the costs order in its favour for the sum the Claimant would have been awarded namely £17,600 pursuant to section 57(5) of the Criminal Justice and Courts Act 2015.

The court office at the County Court at Leicester, 90 Wellington Street, Leicester, LE1 6HG. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0116 2225700 Fax: 0870 761 7742. Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.



6. The Defendant is permitted to enforce the costs order against the Claimant in full pursuant to CPR 44.16(1).
7. The Claimant shall make an interim payment to the Defendant on account of costs in the sum of £100,000 pursuant to CPR 44.2(8) by 4pm on 28 July 2020.
8. The Claimant's application for permission to appeal is dismissed and the Claimant's application for a stay of the judgment is dismissed. Time to apply for permission to appeal is extended to 4pm on 18 August 2020.

Dated 8 July 2020



# Reasons for allowing or refusing permission to appeal (including referral to the Court of Appeal (Civil Division)), and information concerning routes of appeal

The judge must complete this form on allowing or refusing an application for permission to appeal at a hearing or trial

Title of case/claim

Case/claim no

Heard/tried before *(insert name of Judge)*

Date of hearing/trial

Nature of hearing/trial

Result of hearing/trial

An appeal lies from this judgment order to the  
 Court

Claimant's/defendant's application for permission to appeal  
 Allowed  Refused  
 Refused as being totally without merit  
*(There is no right to renew this application at an oral hearing.)*

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Brief reasons for decision to allow or refuse appeal  
(to be completed by the Judge):

The issue of whether C could not work and so his business declined and had to be sold rested on C's credibility. I found that his evidence was not credible for various reasons including; he had undertaken a white water rafting trip within months of the accident; he had told an income protection insurer that he was not working as a result of an unrelated heart condition [and not his back injury]; he had misled the court as to why vital documentary evidence about his business accounts was not available.

Not only did that undermine his case but for a claim pursued at £1.5m but awarded £17k the evidence was fundamentally dishonest.

Also found that the cost consequences for C were the natural fallout from such a finding and could not be grounds for finding "substantial injustice" [s57(2)] for refusing to dismiss the claim.

If refused

- The application for permission to appeal may be renewed in the appeal court  
 There is no further right of appeal (see s.54(4) of the Access to Justice Act 1999)

Judge's signature

HHJ Murdoch

**Note:** The appellant must file a copy of this completed form at the appeal court with the appellant's notice when issuing the appeal.

Do you consider the appeal should be referred to the Court of Appeal (Civil Division)?

- Yes  No

If Yes, please indicate which of the following criteria apply:

- There appear to be conflicting authorities  
 There is a point of practice and procedure of significant importance  
 There is a point of general principle and importance in the development of the substantive law  
 A number of appeals on similar points suggest that a theme, or trend, is developing which the Court of Appeal needs to consider

Additional reasons