

Before Judge Richard Seymour QC. TCC. 16th August 2002

The defendants (main contractors for construction works at GCHQ, Cheltenham) subcontracted works, for the supply, delivery and installation of two water storage tanks and two base steels, to the claimants.

A payment dispute arose and the claimant successfully referred a claim for non-payment dispute to adjudication, and was duly awarded £28,257. The defendant did not pay.

The claimant commenced enforcement proceedings under CPR 24.

On the same day the defendant initiated proceedings for final determination of the dispute between the parties in the Technology and Construction Court.

The defendant resisted summary judgment or alternatively a stay of execution pending the outcome of the TCC hearing.

The court held that the enforcement application would be allowed. The evidence disclosed no defence to resist enforcement. Furthermore, there was no compelling reason for the case to go to trial for final disposition. Accordingly there was no justification for a stay and summary judgment was granted.

Nicholas Collings (instructed by Donald Pugh & Co) for the claimant.

Claire Packman (instructed by Davies & Partners, Bristol) for the defendant.