#### DCPI 1462/2005

### IN THE DISTRICT COURT OF THE

### HONG KONG SPECIAL ADMINISTRATIVE REGION

## PERSONAL INJURIES ACTION NO. 1462 OF 2005

BETWEEN

CHAN SIU YING Plaintiff

and

HO KWAI TONG 1st Defendant

CITYBUS LIMITED 2nd Defendant

HO TING TING Third Party

##### Coram: Deputy District Judge K Lo in Chambers (open to public)

Date of Hearing: 22 August 2007

Date of Delivery of Decision: 22 August 2007

## D E C I S I O N

1. This is an application by the third party to have the action removed from running list and be set down in the running list not be warned before 28 January 2008 with an estimated length of two days.
2. There is no valid ground at all, for her only to voice out her concern about this trip to Korea at such a late stage. She should have informed the Court of this in April, before/or when the checklist review took place.
3. She defaulted to inform the Court then, and again she defaulted to inform the Court and the other parties when she later received this notice from the University in Korea, about her being accepted to take the course.

1. She has chosen only to communicate the difficulty of her attending court as late as 17 August 2007, when her solicitors, on her behalf, took out the present summons. This is a totally undesirable situation.
2. I am told that by this time she has already gone to Korea. Although I do not see any reason why she could not have come back for the two days trial when the case is called, there would be difficulty for her to arrange the same, under the present running list system as she would be only informed of hearing the next day in the afternoon the day before.
3. In such circumstances, she might be deprived of her chance to have her day in court.
4. With great reluctance, I now transfer the case to the fixture list, but on the undertaking that the third party’s solicitors would file the required summons in court within today.
5. Service of the same on the parties be dispensed with.
6. Costs of and incidental to the summons of 17 August 2007 and the summons to be filed by third party’s solicitors today be borne by third party, the same to be taxed if not agreed.

# (K Lo)

# Deputy District Judge

Mr Willy Lim, of Messrs Henry Wan & Yeung, for the Plaintiff

Miss Noel Leung, of Messrs Wan and Leung, for the 1st and 2nd  Defendants

Mr Y F Chan, of Messrs B Mak & Co, for the Third Party