

HCA 17621/1998

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

COURT OF FIRST INSTANCE

ACTION NO. 17621 OF 1998

BETWEEN

DAVIS LANGDON & SEAH CHINA LIMITED Plaintiff

and

SEALAND HOUSING CORPORATION Defendant

Court : Godfrey, J.A. in Chambers
(sitting as an additional Judge of the Court of First Instance)

Hearing : 3 August 1999

Judgment : 3 August 1999

J U D G M E N T

Godfrey, J.A. :

This is an application by surveyors for summary judgment for professional fees. The client says that it did not authorise the person who signed the contract with the surveyors to enter into that contract, although it appears that the signatory held himself out to the surveyors as having the necessary authority.

The client is now in dispute with the signatory and has issued proceedings against him. The surveyors' claim is for USD20,000; USD10,000 to be paid on the signing of the contract and a further USD10,000 to be paid on completion of the first cost plan; but the client says that the first cost plan was never completed and there is nothing before me to show that it was.

In these circumstances, I am satisfied that there are genuine issues to be tried here as to the authority of the signatory and the completion of the first cost plan and I propose accordingly to give the client unconditional leave to defend the action. The costs of this application will be costs in the cause.

(Gerald Godfrey)
Justice of Appeal

Miss Ho Ah Chung Ann of M/s. Li, Wong & Lam for Plaintiff

Ms. Caroline Langley instructed by M/s. Richards Butler for Defendant