

TERENCE ROBERT TAYLOR
MARY ROSE TAYLOR

... **1st Appellant**
... **2nd Appellant**

AND

FATHAN, RUDI LEE, ANNIE KON & ASSOCIATES
LEE KIM BOON
ANNIE KON
FATHAN BIN HAJI ANUAR

... **1st Respondent**
... **2nd Respondent**
... **3rd Respondent**
... **4th Respondent**

(Court of Appeal of Brunei Darussalam)
(Civil Appeal No. 11 of 2014)

Before: Mortimer P, Leonard and Burrell JJ A.
24th of November, 2014

Plaintiff in person
Mr P. Rajiv CV Prabhakaran for Respondent

Leonard, JA.:

Upon ordering that the appellant's Notice of Appeal be struck out, with costs to the respondents, to be taxed if not agreed, we said that we would give reasons in writing, which we now do.

The appellant, having failed before the registrar to obtain a stay of taxation of costs appealed unsuccessfully before Findlay J. Since the matter was interlocutory he needed to apply within one month for leave to appeal to this court as required by Section 20(2)(f) of the Supreme Court Act but without doing so he filed without leave and out of time a Notice of Appeal. In doing so he failed to comply with Order 57, rule 4(1) of the Rules of the Supreme Court since the Order complained of was dated 6 September 2014 and was only filed on 22 October whereas Notice of Appeal has to be given within one month. It was only served on the respondents' solicitors at their request on 22 October. Despite directions from the Registrar and further directions on two occasions from the President of this Court, he failed to file a Petition of Appeal and other documents. Instead he filed a number of irrelevant papers. He was unable to give any acceptable reasons for his conduct. This appellant is no stranger to litigation and though acting in person has displayed when it suited him some knowledge of the Rules of the Supreme Court. He has indicated on numerous occasions that he takes advice on how to conduct his litigation. When he came before Findlay J the judge did his best to find out what grounds of appeal the appellant wished to put forward in order to show that the registrar's ruling was wrong. All the appellant could say was that Mr John Lee, who acts for the respondents had no authority to do so. He repeated that complaint before us. That could not be a good ground for granting a stay of the taxation.

It was clear to us that the reason that the appellant had failed to file or even to articulate any relevant grounds of appeal when he came before us was that he had none. Being a litigant in person, the appellant has on many occasions been indulged by the court. However, his failure to comply with the Rules of the Supreme Court, his failure to obey repeated directions and his failure to articulate any arguable reason for staying the taxation led us to conclude that it would be a wrong exercise of our discretion to grant leave to appeal and the respondents were entitled to have the Notice of Appeal struck out with costs to the respondents.

Mortimer, P.

Leonard, J.A.

Burrell, J.A.