

THE FOLLOWING EXTRACTS REPRESENT 1% OF THE CASE



England and Wales Court of Appeal (Civil Division) Decisions



TSB BANK PLC v. ARTHUR LADSKY [1996] EWCA Civ 579 (14th August, 1996)

IN THE SUPREME COURT OF JUDICATURE QBCMI 96/0327/B

Wednesday, 14 August 1996

.....

TSB BANK PLC

Plaintiff/Respondent

- v -

ARTHUR LADSKY

Defendant/Appellant

ROGER KAYE QC & ALAMAIR WALTON (Instructed by Messrs Cawdery Kaye Fireman & Taylor, London, NW3 1QA) appeared on behalf of the Appellant

.....This an appeal brought by Mr. LadskyMr. Ladsky was the guarantor of the obligations of **Combined Mercantile Securities Ltd**

...

By a letter dated 8th March 1995 the Respondents demanded repayment by the company of the advances (together with interest and expenses) made under the Facility Letter. These amounted to over £3 million.

The basis of this demand...was that a mortgage and a debenture granted to the Respondents' predecessors in title to secure the advances under the Facility Letter had become enforceable as the result of a breach by the company of the covenants in these securities to keep [] in good repair and condition. By a letter of the same date, the Respondents demanded payment of the same amount from Mr. Ladsky under his guarantee.

...

It is common ground that at the date of the letters the property in question was in disrepair. ...

...

Mr. Ladsky has failed to persuade me that he has any arguable defence to the claim

Order: appeal dismissed with costs; order directing that the sum of money lying in court be paid out to the plaintiff's solicitors without further order; leave to appeal to the House of Lords refused.

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