

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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