



[2012] JMSC Civ. No.

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA**

**IN THE CIVIL DIVISION**

**CLAIM No. 2012 HCV 02023**

<b>BETWEEN</b>	<b>DEANDRA CHUNG</b>	<b>CLAIMANT</b>
<b>AND</b>	<b>FUTURE SERVICES INTERNATIONAL LIMITED</b>	<b>1ST DEFENDANT</b>
<b>AND</b>	<b>YANEEK PAGE</b>	<b>2ND DEFENDANT</b>

**Mr. Nigel Jones and Ms. K. Moore instructed by Nigel  
Jones & Co. for Claimant/Respondent  
Mr. Abe Dabdoub and Mr. Karim Page instructed by  
Dabdoub, Dabdoub & Co. for the Defendants/Applicant  
with Mrs. Yaneek Page the 2nd Defendant**

**Heard: 29th June 2012, CAV 6th July, 2012**

***Application of Defendants to strike out claim for Defamation***

**Coram: D.O. McIntosh, J**

[1] On the 10th April, 2012 the Claimant filed suit against the two Defendants for defamation. In their particulars of claim filed with claim are the words complained of.

[2] The Defendants filed their application and their defence by May of 2012.

- [3] Of significance is the fact that there is -
- (a) no denial of the publication of the words complained of by the Defendant;
  - (b) there is no complaint by the Claimant that the publication bears any falsehood.

[4] This Application under the CPR Parts 69.3 and 69.4 seek to put an end to the claim. The rules are explicit, simple and straight forward.

[5] The Claimant has ascribed certain meanings to the published words.

[6] The Defendant insists that the publication is truthful and in their natural and ordinary meaning are not capable of bearing the meaning attributed to them by the Claimant in her statement of claim and are therefore not defamatory.

[7] An examination of the authorities relied on by the Claimant does not detract or change the rules which were promulgated to jettison spurious claims for defamation where the words complained of consist of statements of fact which were true in substance and in fact.

[8] That being the case in this instance this court finds that the words complained of are not capable of being defamatory. They are <sup>true</sup> free in substance and in fact.

[9] Defendants application filed 22nd May, 2012 is hereby granted.

[10] Court Orders –

1. The words complained of are not capable of bearing the meaning or meanings attributed to them in the statement of case.
2. The claim is dismissed.
3. Costs of and incidental to the application to be the Defendants to be taxed if not agreed.