

# Importance of PTR reinforced in summary judgment and strike out application

Akenhead J. in the TCC has held that the provision of little or no information in a pre-trial review questionnaire amounted to substantive non-compliance rather than just minor procedural non-compliance. An unless order had been made requiring the Defendant to file and serve a completed pre-trial review questionnaire by a certain date.

The Defendant lodged a listing questionnaire which contained little or no substantive information to assist the court (in particular in relation to expert and factual evidence). In granting the Claimant's application for judgment following automatic strike out of the defence, the Judge stated that this had been an important non-compliance by the Defendant. Pre-trial reviews in the TCC were important occasions at which the court makes final decisions about the trial. Accordingly, as a result of the substantive non-compliance by the Defendant, the sanction of automatic strike out of the defence applied and the Claimant was entitled to judgment.

Ron Chatterjee, instructed by Beale & Co, represented the successful claimant.

Read the full judgment [here](#).