

PARTIES: RITA SKLIROS  
v  
DAVIDS (SA) LIMITED

TITLE OF COURT: SUPREME COURT OF THE NORTHERN  
TERRITORY OF AUSTRALIA

JURISDICTION: Interlocutory Application

FILE NO: 137/96

DELIVERED: 13 November 1997

HEARING DATES: 6 November 1997

JUDGMENT OF: The Master

**CATCHWORDS:**

PRACTICE - Northern Territory - interrogatories - r 30.07 Supreme  
Court Rules - objection to answer - grounds - failure to raise valid ground

PRACTICE - Northern Territory - interrogatories - sole purpose - identity  
of witness

**REPRESENTATION:**

*Counsel:*

Plaintiff: Mr Kennedy  
Defendant: Ms Short

*Solicitors:*

Plaintiff: Cridlands  
Defendant: Morgan Buckley

Judgment category classification:  
Judgment ID Number: mas9724  
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IN THE SUPREME COURT  
OF THE NORTHERN TERRITORY  
OF AUSTRALIA  
AT DARWIN

137/96 (9615539)

Between:

RITA SKLIROS

Plaintiff

and

DAVIDS (SA) LIMITED

Defendant

MASTER COULEHAN: REASONS FOR DECISION

(Delivered 13 November 1997)

In this proceeding the plaintiff claims damages for personal injuries and has been interrogated by the defendant. This application arises out of a dispute as to the adequacy of the plaintiff's sworn answers.

Interrogatory 13 relates to medical attention or treatment received by the plaintiff and interrogatory 13(a) enquires as to who provided it. The plaintiff has objected to answering on the ground that this is "irrelevant".

O.36.06(2) requires a party who objects to answer an interrogatory to state the grounds of objection, which are set out in O.30.07. Irrelevance is not specifically stated to be a ground for objection. It was argued on behalf of the plaintiff that this interrogatory was objectionable because it sought the names of witnesses.

O.30.07(1)(a) and (2)(c) read as follows:-

“(1) A party interrogated shall answer each interrogatory except to the extent that it may be objected to -

(a) because it does not relate to a question between him and the interrogating party;

.....

(2) Without limiting subrule (1)(a), an interrogatory that does not relate to a question includes an interrogatory the sole purpose of which is to -

.....

(c) enable the interrogating party to ascertain the evidence by which the party interrogated intends to prove his case, including the identity of witnesses.”

The grounds of objection stated are not within the categories of objection set out in O.30.07 and it was not argued that they fell into the category of “any other ground” provided by O.30.07(1)(f). It is doubtful that it could be so categorised because the issue of relevance appears to be subsumed by O.30.07(1)(a). I conclude that the plaintiff has not raised a valid ground for objection.

Nevertheless, it is desirable that I deal with the merits of the objection in case this becomes an issue later in the proceeding.

The interrogatory may relate to the nature and extent of the plaintiff’s injuries and the quantum of damages. However, this information may be provided in answer to interrogatories 13(b) to (f), and it is difficult to understand what assistance may be derived from interrogatory 13(a), other than to identify the plaintiff’s witnesses. I conclude that there is a valid ground for objection to interrogatory 13(a), although this may be academic as, presumably, the accounts and, possibly, medical or experts reports will be produced at some stage in the proceeding, at which time the identity of the persons providing attention or treatment will be revealed.

The defendant also objects to the plaintiff's answer to interrogatory 13(c) which enquires as to the nature of the medical attention or treatment. The plaintiff refers to the answer to interrogatory 13(b) which does not describe the nature of the attention or treatment except in very general terms. The answer to interrogatory (f) goes some way towards describing the nature of the treatment, but does not relate it to specific occasions. The answer to interrogatory 13(c) is not sufficient.

It is ordered that the plaintiff file and serve further answers to interrogatories 13(a) and (c) within 28 days.