



# In The Supreme Court of Bermuda

## CIVIL JURISDICTION

2022: No. 86

**BETWEEN:**

**FLORENCE ADELLE VERONICA RAYNOR**

Plaintiff

**-AND-**

**DR. MAHESH REDDY**

Defendant

## EX TEMPORE RULING

**Date of Hearing:** 5 February 2024

**Date of Ruling:** 5 February 2024

**Appearances:** Ms. Florence Raynor, Plaintiff in Person, not present

Ms. Terry-lynn Griffiths and Mr. Richard Horseman of Wakefield  
Quin Limited, for the Defendant

**RULING of Mussenden J**

**Introduction**

1. This matter appears before me today on an application by the Defendant to strike out the Generally Indorsed Writ dated 30 March 2022, on the basis of Order 18 Rule 19(b) that it is scandalous, frivolous or vexatious, and (d) it is otherwise an abuse of process of the Court and in any event, the Limitation Act 1984 applies to bar the claim. The Plaintiff, originally represented by the Legal Aid Office is now a Litigant in Person.
2. I am satisfied that notice of this hearing was served on the Plaintiff by way of a letter from Wakefield Quin Limited and an Affidavit of Service; however, the Plaintiff does not appear today.
3. The allegation as set out in the Writ is that the Plaintiff was the patient of Dr. Reddy at the material time when he was a practicing doctor at Bermuda Healthcare Services, that he failed to inform her of blood test results on the 15 March 2015 and that such failure resulted in her suffering a stroke and brain hemorrhage on 2 April 2016.
4. Dr. Reddy swore an affidavit on 7 March 2023, saying he was never the physician for the Plaintiff and had never met her. Medical records of Bermuda Healthcare Services show that a Dr. Winston Isles attended to the Plaintiff. The Plaintiff has failed to file any affidavit in reply. Counsel's submissions are that this is a case of mistaken identity by the Plaintiff, and as such, Dr. Reddy should not have to carry out further proceedings and incur further costs defending this matter.
5. Counsel relied on the case of *Bentley Friendly Society v Minister of Finance* [2022] Bda LR 9, where I set out in paragraph 47, references to the case of *David Lee Tucker v Hamilton Properties* on the principles of scandalous, frivolous and vexatious.
6. Counsel also relied on the case of *Denise Priscilla Trew v HSBC Bermuda Bank Limited and Dennis William Dwyer* [2021] SC (Bda) 66 Comm, where at paragraph 53 I again

relied on *David Lee Tucker* for principles on abuse of process and at paragraph 55 for active case management principles.

7. In my view, based on these case authorities, I am satisfied that I should strike out the Writ as the evidence shows it is scandalous in that it is false as against Dr. Reddy. It is also frivolous and vexatious in that it is obvious unsustainable on the evidence as against Dr. Reddy.
8. I also strike out the case on the grounds of abuse of process as relating to active case management. The Plaintiff has failed to file any affidavit evidence in reply as granted leave to do so by Order dated 6 July 2023. She has also failed to engage in these present proceedings.
9. In respect of the Limitation Act 1984, Counsel submitted that the action is either in tort or contract and is time-barred as time ran from, per the Writ, 15 March 2015 blood test results meeting. As the Writ was filed on 30 March 2022, the time limit to file the claim has expired.
10. I am satisfied by reference to section 7 of the Limitation Act 1984 in respect of an action founded on contract, that the time limit to bring an action against Dr. Reddy has expired, that is on 15 March 2021. In any event, on the evidence, it appears that the action should have been brought against Bermuda Healthcare Services and/or Dr. Isles.
11. In summary, I have struck out the claim on the grounds that:
  - i. It is scandalous, frivolous and vexatious;
  - ii. It is an abuse of process; and
  - iii. The matter is time barred by the Limitation Act 1984.

12. In respect of costs, I am satisfied that costs should follow the event in favor of the Defendant as against the Plaintiff, and I order costs to the Defendant on the standard basis to be taxed if not agreed, unless either party files a Form 31TC within 14 days of the date of this Ruling to be heard on costs.

Dated 5 February 2024



---

**HON. MR. LARRY MUSSENDEN**  
**ACTING CHIEF JUSTICE**