



Neutral Citation Number: [2025] EWHC 82 (KB)

Case No: KB-2025-00078

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
COURT 37

Monday, 20th January 2025

Before:
FORDHAM J

Between:
TRUSTEE OF THE HOUSE OF LEIGH TRUST **Claimant**
(TOBE HAYDEN LEIGH, BENEFICIARY)
- and -
BANK OF SCOTLAND PLC **Defendant**

Tobe Hayden Leigh appeared in Person

Hearing date: 20.1.25

Approved Judgment

FORDHAM J

Note. This Judgment was approved by the Judge, after delivery ex tempore. The Judge authorised the use of voice-recognition software by the Court for the purposes of its production.

FORDHAM J:

1. A written application is before the Court naming the Claimant as the “Trustee of the House of Leigh Trust (HOLT), Beneficiary Tobe Hayden Leigh”. The application (20.1.25) was filed by “James Thomas” who is said to be Trustee of the HOLT. The application is for a without notice injunction to prohibit any sale, transfer or disposal of 39 Glebe Lane ME16 9BB or 476 Tonbridge Rd ME16 9JA. A witness statement (“written evidence”) in the name of James Thomas is also before the Court together with accompanying documents. I have heard orally today (20.1.25) from “Tobe Hayden Lee” himself, in person. He asked for an urgent opportunity to address a judge today. He explained that eviction action was taken at 39 Glebe Lane on Friday (17.1.25) and the Court documents include photographs. The purpose of the Order sought today is to prevent any further step in relation to 39 Glebe Lane and in particular any sale; and to prevent any action in relation to 476 Tonbridge Road and in particular any repossession.
2. The essential points put forward relate to the legal validity of two writs of possession and control. It is accepted by Mr Leigh that these were sent by email on 24 June 2024 by TNT as the solicitors for Bank of Scotland. They refer to a “judgment or order” dated 13 March 2023. It is accepted by Mr Leigh that there was a judgment or order in favour of Bank of Scotland dated 13 March 2024. I am told by him that there have been “numerous” communications since 24 June 2024 with TNT, challenging the validity of the writs of possession. I am also told that there have been a series of communications with the Court about access to documents from the court records together with the description of those documents that were received from the court records. In particular, reference is made to what is said to be a denial of access to court records on 15 August 2024. That is the other topic in the essential points that are being put forward. References are made to constitutional principles and human rights and the “responsibilities” of the Court.
3. I am not prepared to entertain an application for an injunction order which would impede the enforcement of these writs of possession, which it is accepted were received in June 2024 brought, with no notice being given to Bank of Scotland or its solicitors. Bank of Scotland were the claimant in the underlying proceedings which led to those warrant of possession. I accept that there is said to be urgency in the light of the eviction on Friday. But it could nevertheless not, in my judgment, possibly be right to be making orders to restrain further action in relation to that property (39 Glebe Lane) or the other property (476 Tonbridge Road) without any notice being given to Bank of Scotland. In my judgment there is no reason, still less good reason, for coming to the Court unilaterally and without any notice. For that reason alone the application today fails and I will dismiss it. If it is intended to make any application to this court in relation to any of these matters, there must, in my judgment, be proper notice to Bank of Scotland as the known claimant and communication with its known solicitors TLT. It is highly likely that they would be in a position to provide their perspective and would wish to do so. It is, in my judgment, emphatically the case that the Court’s “responsibilities” extend to ensuring that they should be informed and given that opportunity. The urgency arising from Friday’s events needs, moreover, to be put alongside what I have said about knowledge of the writs in June 2024, bearing in mind the points being made about what are said to be deficiencies appearing on the face of those documents.
4. I was not able to detect, in the points that were put forward, a viable basis for legal challenge. Nor, more importantly, any reason why any legal challenge could not have been raised in the proceedings in which the writs of possession were produced. I have not been in a position to interrogate the position, but due process rights must in my judgment

inevitably arise in the context of what was known to be a claim by Bank of Scotland which had led what was to what was known to be a judgment or order on 13 March 2023 and then the issue of the writs of possession. It is not, in my judgment, open to a person receiving such documents simply to wait and then bring fresh proceedings seeking injunctive relief. It is important that procedural rights are exercised in the proceedings in which they arise, and exercised promptly. But I would not grant an injunction in this case, as I have already said, quite independently of those considerations.

5. I fully recognise the important rights which parties have under the Civil Procedure Rules, to access documents from the court records. In addition there are some rights and remedies which non-parties have in light of the principle of open justice. It is open to Tobe Hayden Leigh as the defendant in Bank of Scotland's proceedings, which led to the judgment or order of 13 March 2023 and the writs of possession received in June 2024, to seek to pursue those rights of access to documents from court records. Nothing I am saying in this judgment in any way dilutes or undermines that important entitlement of a party to access documents from the court records. I am however quite sure that none of that can be a basis for the injunctions that have been sought, on this without notice urgent application, relating as it does to actions regarding the two properties. It will be open to Tobe Hayden Leigh to continue to pursue issues regarding access to court records if he wishes to do so.

20.1.25