

## **S U M M A R Y**

The second plaintiff instituted proceedings against the second defendant at a time when the second plaintiff had ceded the claim forming the subject-matter of the action to a third party. During the course of the proceedings the third party ceded the right back to the second plaintiff with retrospective effect to a date prior to when action was instituted by the second plaintiff.

Held: In the light of the special and unusual circumstances the second plaintiff should be allowed to prosecute its claim even although at the time the action was instituted the right to prosecute the claim vested in a third party.

The first plaintiff then the landlord leased premises to the first defendant. The lease was subsequently cancelled by the first plaintiff. At the time of cancellation the first plaintiff was entitled to be paid arrear rental and suffered damages consisting of those suffered during the period over which first defendant held over and also for the remaining period of the lease.

Held: The landlord on cancellation is vested with a single claim for arrear rental and both damages claims.