13. It was inappropriate for the Defendant's representatives to have made this application as he was fully aware of the fact that our directions questionnaire was dully filed at Court on 17th November 2017. He was copied in to all the correspondence sent to the Court. He was also advised by me that the Court must have made an error when it stated to have received the order on 20th November 2017 while clearly it received it electronically on 17th November 2017. I am of the view that the Defendant's representatives have taken advantage of the situation as when making this application he already knew of the fact that the Claimant's questionnaire was filed on 17th November 2017 and there could be a possibility of the Court reconsidering its decision of striking out the Claim. I find his conduct against the spirit of the Civil Procedures Rules which encourage parties to cooperate, communicate and try to resolve dispute out of Court. The Court order dated 02nd January 2018 could have been avoided had the Defendant acted with more fairness and this conduct has partly triggered the necessity to make this application notice which means that the Claimant is now incurring more costs.

14. I am also instructed that since the Court made the interim injunction order on 09th August 2017, the Defendant's anti-social behaviour has ceased towards the neighbours and no complaints have been received from them. I am therefore of the view that the residents and employees of the Claimant could be prejudiced if the Claim and interim injunction order were not reinstated.

15. As a result of the above, we would like the Court to set aside the orders made on 13th December 2017 and 02nd December 2018. The Claimant would also like the Claim and interim injunction to be reinstated and an order that the Defendant pays the Claimant's costs as his conduct has led to the necessity to make the present application.