

UNDT/2009/079, Abubakr

UNAT Held or UNDT Pronouncements

Outcome: The application for an extension of time to file an answer sets out in detail the reasons for the filing of an answer, and therefore the judge considered it as an application in terms of article 19 to file further papers. The judge held that in the current circumstances, receiving an additional submission that clarifies issues of fact and law may prevent unnecessary litigation, and assist the court in determining the questions before it in a fair and expeditious manner, and in doing justice to the parties. The judge granted the applicant leave to file an answer to the reply.

Decision Contested or Judgment/Order Appealed

The applicant requested an extension of time to file an answer to the respondent's reply.

Legal Principle(s)

There is no provision either under the Statute of the Dispute Tribunal or the Rules of Procedure for the filing of any further pleadings following a respondent's reply to the application. There is therefore no automatic right for an applicant to file an answer to the respondent's reply. An applicant who wishes to file an additional pleading or submission not provided for in the Statute and Rules of Procedure is required to make an application to the Dispute Tribunal to file such a pleading or submission under article 19 of the Rules of Procedure. The judge has a discretion to grant the request if the judge finds it to be "appropriate for the fair and expeditious disposal of the case and to do justice to the parties".

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Abubakr

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/088

Tribunal

UNDT

Registry

New York

Date of Judgement

20 Nov 2009

Language of Judgment

English

French

Issuance Type

Judgment

Applicable Law

UNDT RoP

- Article 10
- Article 19
- Article 36
- Article 7

UNDT Statute

- Article 8