

Anna Hoffmann successful in Ben Line Agencies (Malaysia) Sdn Bhd v Acteon Integrated Solutions Ltd

On 6 December 2023, HHJ Pelling KC heard an application in this matter. The Claimants had applied to amend their Particulars of Claim after these had been found to be insufficiently pleaded at a previous hearing. The Defendants resisted the amendments on the grounds that the claims, all of which were exclusively pleaded in contract, were still not properly particularised. HHJ Pelling KC considered that for a substantial part of the claims (amounting to ca. 2/3 of the value of the total claim), the proposed amendments had no prospect of success as the pleading was exclusively in contract and the Claimants had admitted that they could not evidence offer and acceptance and the pleadings did not set out the key elements of the claim. For a smaller subset of claims, the Court found that the Claimants may have some prospect of evidencing an agreement / to infer an agreement from the existence of Purchase Orders. This outcome is an important reminder to think carefully about which causes of action to plead and to plead the necessary elements of the advanced claims.

[Anna Hoffmann](#) appeared for the successful Defendants, instructed by Adams & Moore Solicitors.

Read the full details of the application [here](#).