

Dumbarton, 1 July 1998

*Act:* Dunlop QC and Thomson for Pursuers and Appellants

*Alt:* Farrell, for the Defenders and Respondents

The Sheriff Principal, sitting at Paisley, having heard counsel for the pursuers and appellants and the solicitor for the defenders and respondents on the incidental application for the pursuers (number 12 of Process) and on the pursuers' motion to allow amendment in terms of minute of amendment (number 13 of Process) Allows the defenders' designation in the instance of the summons to be amended by addition of the words "and David Dragonetti, a member of the unincorporated body and authorised to act on its behalf"; on the unopposed motion of the pursuers Allows the stated case to be amended by addition of a sixth question of law in the following terms "Was I entitled to dismiss the action as incompetent?", Answers the sixth question in law in the negative and Finds it unnecessary to answer the first five questions in law; Allows the appeal, Recalls the decree of the sheriff dated 6 April 1998 and Grants Warrant for ejecting the defenders (and others mentioned in the summons) from the subjects specified with their goods and possession, such ejection being not sooner than twelve noon on 30 July 1998; of consent Finds no expenses due to or by either party in respect of the cause and the appeal; Remits to the sheriff to proceed as accords.

Robert Hay