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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/107

Judgment No.: UNDT/2019/157

Date: 31 October 2019

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

DUVERNÉ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

**ON DISMISSAL FOR WANT OF  
PROSECUTION**

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order by registered mail to the address on file for the Applicant, which it did on 17 October 2019.

7. As of the date of this Judgment, no submission or further correspondence have been received by the Registry from the Applicant or anyone on her behalf in response to Orders No. 119 and 141 (NY/2019).

### **Consideration**

8. The Dispute Tribunal has, on several occasions, endorsed the principle of procedural law that the right to institute and pursue legal proceedings is predicated upon the condition that the person exercising this right has a legitimate interest in initiating and maintaining legal action and that access to the court has to be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy (see, for instance, *Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047, *Zhang-Osmancevic* UNDT/2015/034, *Monga* Order No. 198 (NY/2018), *Kitagawa* Order No. 100 (NY/2019) and *Gouin* UNDT/2019/140).

9. In the present case, by Order No. 119 (NY/2019), the Tribunal provided the Applicant with an opportunity to pursue her case, but she did not respond within the given time limit. Upon the instructions of the Tribunal, the Registry then intended to contact the Applicant via telephone and email to remind her of Order No. 119 (NY/2019) and postpone her deadline, but the Applicant did not respond to any of these communications. In addition to being forwarded through the eFiling portal, Order No. 141 (NY/2019) was subsequently sent by registered mail to the postal address indicated by the Applicant in the application, and in this Order, the Applicant was clearly informed of the consequences of her failure to respond to the Tribunal's instructions, namely that her case would be dismissed for want of prosecution. The

Applicant, however, did not provide any response whatsoever to Order No. 141 (NY/2019).

10. The Tribunal, therefore, can only conclude that the Applicant is no longer interested in the pursuit and outcome of these legal proceedings, which must therefore be deemed to have been abandoned, and this matter therefore stands to be dismissed for want of prosecution.

**Judgment**

11. In light of the foregoing, but without determination of its merits, the  
want of prosecution.

*(Signed)*  
Judge Joelle Adda

Dated this 31<sup>st</sup> day of October 2019

Entered in the Register on this 31<sup>st</sup> day of October 2019

*(Signed)*

Nerea Suero Fontecha, Registrar, New York