

CASE ANALYSIS ON CATHERINE LEE VS LEE'S AIR FARMING COMPANY

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FACTS

The facts portray the occasions that prompted the contention being referred to. All that is required is a short explanation of the demonstrations, physical occasions, and different issues that made the gatherings look for alleviation from the legal frameworks.

ISSUE

This issue is the motivation behind why the gatherings are in court. It is a one sentence proclamation taken after by a question mark. The issue is the thing that the court must answer in conceding or denying help.

LAW

In achieving a choice, the court must apply the law. For each situation, the understudy must locate the relevant law. In a full content case, the law will be expressly expressed. Be that as it may, in the content, these are somewhat advised cases and now and again the creators discard the law. In this example, if it's not too much trouble allude to the previous segment to discover the law. Keep in mind, when perusing a case there will be references to different cases, standards. Be that as it may, the cases and different references for the situation help the court in applying the law. Keep in mind; compose the material law (code, protected arrangement, settlement and so on.

ANALYSIS

The analysis is the utilization of the certainties to the law in choosing the case. The investigation will incorporate the court's method of reasoning in choosing the case. The investigation will incorporate a survey of cases, recognizing past cases from the present case, affirmation that a specific case is appropriate and is the administering standard in applying the law. Think about an examination as where the court consolidates the certainties to the law to achieve an end. This area ought to be close to five or six sentences.

CONCLUSION

The conclusion is just who won the case. In numerous examples the case has been requested and the first offended party is currently the respondent and the first litigant is the offended party. Keep in mind, figure out which court you are in (unrivaled, redrafting, incomparable) and in the event that it is the investigative court, figure out who the first offended party was and whether the case has been advanced.

FACTS

- Geoffrey Lee who was a pilot who directed an aeronautical best dressing business and he framed an organization through Christchurch bookkeepers, which worked in Canterbury, New Zealand. It spread manures on farmland from the air, known as best dressing.
- Mr. Lee claimed 2,999 of the 3,000 offers and was the sole executive in the organization and had additionally enlisted himself as the main pilot under the organization; the staying one offer was taken by his specialist as chosen one for Mr. Lee.
- Under the Articles of Association, Mr. Lee was the overseeing chief with wide powers.
- Mr Lee was executed in a plane accident on fifth March, 1956. Catherine Lee, Mr. Lee's significant other wished to guarantee harms of 2,430 pounds for herself and her three newborn child youngsters under the Workers Compensation Act, 1922 for the demise of her better half, and he should have been a 'specialist', or 'any individual who has gone

into or works under an agreement of administration... with a business... regardless of whether compensated by wages, pay or something else.'

- The organization was protected (as required) for specialist remuneration.
- The Court of Appeal of New Zealand said Mr. Lee couldn't be a specialist when he was in actuality additionally the business. North J said "the two workplaces are obviously contradictory. There would exist no intensity of control and in this way the relationship of ace hireling was not made. Assist Catherine Lee would not be qualified for pay under the Workers Compensation Act, 1922. There was diverse guidance given by the Privy Council.

ISSUES

1. Whether Geoffrey Lee ought to be considered as a representative of the organization or its proprietor?
2. Whether there exists an ace hireling relationship?
3. Whether the dowager of Mr. Lee is qualified for remuneration by virtue of his passing under the Workers Compensation Act, 1922.
4. Whether there would exist any distinction on the off chance that he was executed doing more 'directorial' capacities?
5. Whether the Separate Legal Entity idea can be connected in the present case?

LAW INVLOVED

The court relied upon the fact that the claim was made in reliance upon the provisions of the **Worker's Compensation Act 1922** as amended by later statutes. The appellant's late husband died in an aircraft accident in Canterbury, New Zealand, on the 5th March, 1956, while engaged in the capacity of an aircraft pilot in aerial top-dressing operations. *The claim of the appellant rested upon her allegation that at the time of his death her husband was a "worker" in that he*

was employed by the respondent company. The respondent company denied that the deceased was a “worker” within the meaning of the Worker’s Compensation Act 1922 and its amendments. It is provided by section

3 (1) of the Act as follows: —

“3.—(1) If in any employment to which this Act applies personal injury by accident arising out of and in the course of the employment is caused to a worker, his employer shall be liable to pay compensation in accordance with provisions of this Act.”

Under the relevant part of the statutory definition the term “worker ” means “any person who has entered into or works under a contract of service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, and whether remunerated by wages, salary, or otherwise ”. The denial of the respondent company that the deceased was a “worker” was based on the fact that the deceased was at the time of the accident the controlling shareholder and governing director of the respondent company. In 1954 the deceased had instructed a firm of public accountants in Christchurch to form a company for the purpose of conducting an aerial top-dressing business. On the 5th August, 1954—“ Lee’s Air Farming Limited”, the respondent company, was incorporated.

ANALYSIS

For this situation the premise whereupon the court chose this case was that

- "The insignificant reality that somebody is an executive of an organization is no hindrance to his going into an agreement to serve the organization. Assuming, at that point, it be acknowledged that the respondent organization was a legitimate substance their Lordships see no motivation to challenge the legitimacy of any legally binding commitments which were made between the organization and the perished".
- "Assuming that the organization was not a sham then the limit of the organization to make an agreement with the perished couldn't be condemned just in light of the fact that the expired was the specialist of the organization in its transaction".

- "It is the legitimate outcome of the choice for Salomon's situation that one individual may work in double limits".
- In different words: the organization is a different legitimate substance and its sole executive/investor can likewise be a worker who went into an agreement with it.

An outline of conditions with the end goal of reference to the judgment is found on account of:

Fowler v. Business Timber Company Ltd. [1930] 2 K.B. 1.

"In the present case their Lordships see no motivation to question that a legitimate authoritative relationship could be made between the respondent organization and the expired despite the fact that the perished would go about as the operator of the organization in its creation. On the off chance that such a relationship could be built up their Lordships see no motivation behind why it ought not appear as an ace and hireling relationship. The realities of the present case loan no help for the conflict that if an agreement existed it was an agreement for administrations."

CONCLUSION

The Separate Entity Principle is a crucial guideline of Company Law connected on a worldwide premise. As per this standard, an organization is dealt with as a particular substance from its individuals. The different element lead infests organization law and has had wide achieving suggestions on hypothetical and down to earth organization law. Isolate Entity rule was initially outlined in R v Arnaud case and was additionally solidified in the consistent choice of the House of Lords in Salomon v Salomon and Co Ltd is viewed as a point of interest in Company Law which affirmed that an organization is a different element with particular legitimate identity.

The idea that "Organizations can contract with their individuals, chiefs and pariahs" was without a doubt created in Catherine Lee v Lee's Air Farming Ltd, this case likewise outlined that Companies can perpetrate torts and wrongdoings. The choice in Lee v Lee's case exhibits that organizations might be obligated to tort since organizations have a different lawful identity and can contract with others.

The Court decided that albeit Lee was the controlling investor, sole executive and boss pilot of Lee's Air Farming Ltd, he was additionally viewed as a representative of the organization and along these lines the organization was a different lawful substance, despite the fact that Lee's Air Farming Ltd was basically an 'exclusive element'. This decision made the open door for the corporate shroud to be abused and has since been controlled against by forcing careless exchanging arrangements. This point of interest judgment ended up being an expansion to effectively created standards identified with organizations and their proprietors.

