amended statement of claim. Mr Thompson refers to these paragraphs as "the omitted paragraphs"[43];

(b) the facts and circumstances referred to in the omitted paragraphs were concealed from Mr Thompson by the Council until August 2000.

50. Presumably, the plaintiffs contend that the omitted paragraphs ground the alleged claim against the Council (and the Water Authority) for misfeasance in public office. Certainly, Mr Thompson states that the matters pleaded in the omitted paragraphs were the "true cause" of his loss and damage. In this regard, Mr Thompson asserts the following:[44]

> "*I say that the omitted paragraphs relate to the true cause of my loss and damage in respect of the Tylden Road land and the facts and circumstances set out in those paragraphs were not pleaded in the 1988 proceedings [being the prior Tylden Road proceeding] because they were concealed from me by the defendants conduct until August 2000*".

51. Whilst it is asserted by Mr Thompson that the facts and circumstances set out in the omitted paragraphs were concealed from him by the defendant's conduct until August 2000, such assertion is *not supported* by the plaintiffs' *own* affidavit evidence. Further, the serious allegations made by the plaintiffs in the Thompson summary judgment affidavit concerning the non-disclosure of documents on the part of the Council are simply not supported by the objective documentary evidence.

52. What is clear from the plaintiffs' own affidavit evidence is that the facts and circumstances set out in the omitted paragraphs emanated from a review undertaken by Mr Thompson of documents provided, *on a voluntary basis*, to Mr Thompson by the Council and the Water Authority on *14 June 1991*. Taking Mr Thompson's affidavit at face value, whatever "fraudulent concealment" or fraud is said to have occurred, the documents now relied upon to seek to establish the cause of action for misfeasance in public office have been in the physical possession of Mr Thompson since 1991 – more than 14 years before this proceeding was instituted. Section 27 does not provide for a fourteen year postponement. At best, for Mr Thompson, the limitation period started to run on 14 June 1991 and expired in 1997.

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43 See para 42(a) of the Thompson summary judgment affidavit.
44 In paragraph 42(a) of the Thompson summary judgment affidavit.