

ST. LUCIA

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 5 OF 2002

BETWEEN:

DOLITTLE'S LIMITED

Appellant

and

THE ATTORNEY GENERAL

First Respondent

VALENCE JOSEPH

Second Respondent

Before:

The Hon. Sir Dennis Byron

Chief Justice

Appearances:

No appearance for the Appellant

Ms. Jan Drysdale for the First Respondent

No appearance for the Second Respondent

2003: October 14.

JUDGMENT

[1] **BYRON CJ:** On the 8th day of April, 2002 the Appellant applied for leave to appeal against a decision of the Master made on the 25th day of March, 2002.

[2] Leave to appeal was granted on the 17th day of May, 2002 and directions were made for service of the order and the Notice of Application on or before the 10th day of June, 2002 and for the matter to proceed as a procedural appeal.

- [3] Part 62.10 requires that procedural appeals are to be prosecuted not less than fourteen (14) days or more than twenty-eight (28) days after filing the Notice of Appeal and that written submissions in support of the appeal must accompany the Notice of Appeal.
- [4] The Appellant has failed to comply with the order of the 17th May, 2002 or the prescribed rules of Part 62.10.
- [5] On the 7th day of October, 2003 the matter came on for a procedural hearing. The matter was listed for hearing today for the Appellant to show cause as to why this appeal should not be dismissed. Notices were served on the relevant parties. The appellant did not appear. The court office contacted his chambers and was informed that he did not intend to appear because he had received no instructions from his client.
- [6] In the circumstances the appeal is dismissed. There is no order as to costs.

Sir Dennis Byron
Chief Justice