

**THE EASTERN CARIBBEAN SUPREME COURT:**

**IN THE HIGH COURT OF JUSTICE  
CIVIL DIVISION**

**SAINT LUCIA**

**Claim Number:** SLUHCV2026/0023

**BETWEEN:**

**CHARMING EVELYN**

Applicant

-and-

**[1] VINCENT JEREMY ALEXANDER  
[2] RAMBALLY'S FUNERAL PARLOUR**

Respondents

**Before the Honourable Mr. Justice Alvin S. Pariagsingh**

**Appearances:** Mr. Peter A. H. Marshall for the Applicant  
Mr. Gerard Williams for the First Respondent  
Mr. Clarence Rambally for the Second Respondent

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2026: January 14 – Hearing  
January 19, 20 – Submissions  
January 20 – Decision  
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**JUDGEMENT**

**Application for Urgent Injunction to stop cremation**

**BACKGROUND:**

[1] **PARIAGSINGH J:** - This dispute arises in circumstances that are deeply personal but legally confined. The Deceased, Carmen Chamaro Alexander, died on 25 December 2025. No will has been produced, and for present purposes the Court proceeds on the basis that she died intestate. The Applicant is her daughter from a previous relationship. The First Respondent is her surviving husband of some forty-eight years.

[2] The immediate controversy concerns the manner in which the Deceased's body is to be disposed of, whether by burial, as the Applicant contends, or by cremation, as proposed by the First Respondent. That disagreement led first to an urgent injunction restraining

any disposal of the body, and now to the substantive question of who, in law, should be permitted to make the funeral arrangements.

[3] It is important to emphasise, as both sides ultimately accept, that the Court is not at this stage determining succession rights or who should administer the estate generally. The issue is narrower: who should have control of the body for the limited purpose of its dignified disposal.

[4] At the hearing held today, the investigating officer attended and gave evidence pursuant to certain allegations made by the Applicant against the First Respondent. Both parties were afforded an opportunity to question her. In summary, her evidence was that, having witnessed the post-mortem examination, she confirmed that the cause of death of the deceased was consistent with that recorded by the certifying doctor on the deceased's death certificate. She further testified that she has no objection to the disposal of the deceased's body, provided that she is permitted to obtain a sample of the deceased's hair and to take certain photographs of the body prior to disposal.

#### **THE APPLICANT'S CASE:**

[5] The Applicant's submissions are anchored firmly in statute. She relies on **Article 1016 of the Code of Civil Procedure**, read together with **Rule 14 of the Eastern Caribbean Supreme Court (Non-Contentious Probate and Administration of Estates) Rules**. Those provisions place persons "within the heritable degree", including legitimate children, ahead of a surviving spouse in the order of priority to apply for letters of administration in Saint Lucia.

[6] The Applicant is correct to say that this position is unique in this jurisdiction, in that legitimate children of the deceased rank in the class of persons entitled to a grant in the estate of a deceased ahead of the surviving spouse as set out in **Barrie Wilkinson v Devaux**<sup>1</sup>. She is also correct that, at common law, the right to possession of a deceased's body for burial ordinarily follows the right to administer the estate.

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<sup>1</sup> SLUHCV 200810637

- [7] On that footing, the Applicant argues that she has the better legal entitlement to take charge of funeral arrangements and that there are no “special circumstances” justifying departure from the statutory order. She further submits that there is no evidence that the Deceased wished to be cremated, and that burial is, at the very least, no less consistent with dignity and decency. These submissions are not frivolous.

#### **THE LIMITS OF THE APPLICANT’S APPROACH:**

- [8] However, the Applicant’s case encounters difficulty in its treatment of priority as decisive. The statutory provisions on which she relies are concerned primarily with who may apply for a grant and with the orderly administration of estates. They are not drafted with burial disputes specifically in mind, nor do they purport to exclude the Court’s discretion where strict application would produce an impractical or unjust outcome.
- [9] The Applicant’s submissions tend to treat the right to apply for administration as if it automatically and conclusively determines the right to control the funeral. That in my respectful view is too rigid an approach. Burial disputes arise before any grant is made, often urgently, and require decisions that cannot await the slower machinery of probate proceedings. The law has therefore developed a more flexible response.

#### **THE RESPONDENT’S CASE:**

- [10] The First Respondent accepts the statutory framework relied upon by the Applicant but places emphasis on **Article 586(6)(b) of the Civil Code**, which expressly empowers the Court to depart from the ordinary order of entitlement where “special circumstances” make it necessary or expedient to do so. It states:

“(6) In granting letters of administration, the Court shall have regard to the rights of all persons interested in the succession or the proceeds thereof and to any prescribed provisions:

Provided that—

- (a) where the deceased died wholly intestate, administration shall be granted to some one or more persons interested in the residuary succession of the deceased, if they make application for the purpose; and

- (b) if, by reason of the insolvency of the succession of the deceased or of any other special circumstances, it appears to the Court to be necessary or expedient to appoint as administrator some person other than the person who, but for this provision, would by law have been entitled to the grant of administration, the Court may, in its discretion, notwithstanding anything in this Chapter, appoint as administrator such person as it thinks expedient, and any administration granted under”

[11] The First Respondent’s submissions are careful to point out that this discretion is not limited to cases of insolvency. The language of Article 586 is deliberately broad. It recognises that there will be cases where adherence to priority rules would frustrate, rather than promote, the proper administration of justice.

[12] In support of that proposition, the First Respondent relies on **Anilkumar Patel v Jayaben Patel**<sup>2</sup> where the court held that disagreement over funeral arrangements constituted a “special circumstance” justifying the appointment of a person to make those decisions. The First Respondent also relies on **Anstey v Mundle**<sup>3</sup> where the court grounded its decision in the inherent jurisdiction to regulate the administration of estates so as to determine responsibility for burial.

[13] While those cases arise from a common law jurisdiction, their reasoning is directly applicable. They address the same problem confronting this Court; how to ensure that a body is disposed of promptly and respectfully when those with an interest cannot agree.

#### **THE FACTUAL CONTEXT AND ITS SIGNIFICANCE:**

[14] Having established that the Court has a discretion, the factual matrix becomes critical. The Deceased and the First Respondent were married for forty-eight (48) years and lived together throughout that time. The evidence indicates that the First Respondent was her primary caregiver during her illness and remained closely involved in her care until her death, later engaging additional assistance when required.

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<sup>2</sup> [2025] EWHC 560 (Ch)

<sup>3</sup> [2016] EWHC 1073 (Ch)

[15] By contrast, the Applicant has lived outside Saint Lucia for approximately thirty years and last visited many years ago. That fact does not weaken her legal status as a daughter, but it does bear on questions of proximity, practical responsibility, and the Deceased's settled life at the time of her death.

[16] The Deceased's home, her community ties, the estate assets, and the proposed place of cremation are all located in Saint Lucia. The First Respondent has already made and paid for funeral arrangements, suspending them only because of the Court's intervention. These are concrete considerations, not sentimental ones.

[17] They align closely with the factors identified in **Hartshorne v Gardner**<sup>4</sup> as relevant to burial disputes: the needs of those left to grieve, the location with which the deceased was most closely connected, and, above all, the importance of disposal without undue delay.

#### **THE DECEASED'S WISHES:**

[18] Both parties assert that they are acting in accordance with the Deceased's wishes. There is no written instruction, and the evidence on this point is directly conflicting.

[19] In such circumstances, the Court cannot safely treat either version as determinative. Where wishes are unclear or disputed, they cannot override other compelling considerations. Instead, I propose to adopt a practical approach that ensures dignity, avoids further distress, and prevents prolonged delay.

#### **RECONCILING PRIORITY WITH DISCRETION:**

[20] This case therefore illustrates the distinction between priority in principle and authority in practice. The Applicant has a strong claim to priority in applying for letters of administration, and nothing in this decision undermines that right. However, funeral arrangements are an urgent and limited matter. The law, through Article 586 and the Court's inherent jurisdiction, allows and indeed requires, the Court to respond flexibly where strict adherence to priority would impede a timely and dignified burial.

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<sup>4</sup> [2008] EWHC 3675 (Ch)

[21] Granting the First Respondent limited authority to carry out the funeral does not decide succession, does not prejudice the Applicant's future application, and does not confer general control over the estate. It simply recognises that, in the particular circumstances of this case, he is the person best placed to ensure the proper disposal of the Deceased's body.

**CONCLUSION:**

[22] This is not a case in which one party's submissions can be dismissed as legally unsound. The Applicant is correct on priority. The First Respondent is correct on discretion. The question for the Court is which legal principle better answers the problem presently before it.

[23] Having considered the statutory framework, the authorities, and the factual context, the Court is satisfied that this is a case in which special circumstances exist. Justice, practicality, and the need for dignity and expedition converge in favour of permitting the First Respondent to take responsibility for the funeral arrangements, subject to the clear limitation that this decision does not determine administration or succession rights.

[24] For those reasons, the Court exercises its discretion accordingly and issues a limited grant to the First Respondent for the purpose of making funeral arrangements and disposal of the body of the deceased.

[25] As stated above, neither party's argument was unmeritrous. In this regard, each party shall bear this own costs of this application.

[26] I also note that this application falls within the special category of injunctions where this determination in essence disposes of the intended substantive claim. In this regard, there is no need to give consequent directions.

**ORDER:**

[27] Accordingly, I make the following orders:

- 1) A limited grant of letters of administration is hereby granted to the First Respondent, Vincent Jeremy Alexander, solely and exclusively for the purpose of arranging and carrying out the funeral and final disposition of the body of Carmen Chamaro Alexander (deceased) who died on 25 December 2025.
- 2) The authority conferred by this limited grant shall extend only to such acts as are reasonably necessary to; take possession of the body of the Deceased; give lawful instructions to a funeral service provider in relation to burial or cremation; arrange and conduct the funeral; and pay reasonable funeral expenses.
- 3) This limited grant shall be automatically determined and come to an end upon the completion of the funeral and final disposition of the body of the Deceased, without the need for any further order of the Court.
- 4) The interim injunction previously granted on 14 January 2026 restraining the disposal of the Deceased's body is hereby discharged.
- 5) The Second Respondent, Rambally's Funeral Parlour, is authorised to release the body of the Deceased to the First Respondent and to act upon his lawful instructions subject to Cpl 447 Casamir retrieving samples of the deceased's hair and photographs of the deceased.
- 6) Nothing in this Order shall prejudice or affect the Applicant's right to apply for full letters of administration or any other relief in respect of the administration of the Deceased's estate.
- 7) There shall be liberty to apply.
- 8) A copy of this Order is to be served on the Second Respondent, Rambally's Funeral Parlour.

9) Each party shall bear their own costs.

**Alvin Shiva Pariagsingh  
High Court Judge**

**By the Court,**

**Deputy Registrar of the High Court**