

THE EASTERN CARIBBEAN SUPREME COURT

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

SAINT LUCIA

Claim Number: SLUHCV2025/0255

BETWEEN:

AMALGAMATED REALTY AND RENTALS LIMITED

Claimant

-and-

THERESA MARXCIUS also known as
THERESA MAXICUS

Defendant

Before the Honourable Mr. Justice Alvin S. Pariagsingh

Appearances: Ms. Chaiser Thomas, a Director of the Claimant Company appearing for the Claimant.

2025: July 24

REASONS

[1] **PARIAGSINGH, J:** - Before the Court is an application for interim injunctive relief filed on 20th June 2025. It is supported by the affidavit of Ms. Chaiser Thomas, a Director of the Company. The application was filed with a certificate of urgency. Upon it being docketed to this Court, the application was considered on paper and not deemed to be urgent. The Court in an order of 20th June 2025 gave directions for the application to be served and be heard inter partes on 24th July 2025 and that any opposition to the application be filed in accordance with the timelines set out in Civil Procedure Rules (Revised Edition) 2023 (CPR)11.12.

[2] The application was not served on the Defendant. From the evidence, the claim issued on the same day as the application for injunctive relief too was not served on the Defendant.

[3] The claim was filed by a Director of the Claimant acting as a litigant in person. At the hearing, the Claimant was also represented by a Director and not a legal practitioner. At the hearing, the Court raised with the Director the Claimant's non-compliance with CPR 22.3 which provides that:

"22.3 (1) A body corporate must be represented by a legal practitioner in all proceedings before the court, unless the court permits it to be represented by a duly authorised director or other officer.

(2) Permission to represent the body corporate should, wherever practicable, be sought at a case management conference or pre-trial review.

(3) In considering whether to give permission the court must take into account all the circumstances including the complexity of the case.

(4) In paragraph (1) –

"duly authorised" means authorised by the body corporate to conduct the proceedings on its behalf."

[4] This rule is interpreted to mean a company cannot be a litigant in person unless the Court gives permission. To obtain permission, an application has to be made either at the case management conference or at the pre-trial review. There is no provision that specifically speaks to applications for injunctive relief. The rules seem to contemplate the application being made after the claim is filed.

[5] In considering whether to grant permission, the Court must consider all the circumstances of the case including the complexity of the case. Additionally, the Court can only give permission for a duly authorised officer to represent the company. A duly authorised officer is defined as someone who is "authorised by the body corporate to conduct the proceedings on its behalf." This, in my view, imposes an evidential burden on the officers of the company to provide evidence of the relevant authorisation of the person seeking to represent the company, or provide the Court with the relevant

documents which form part of the company's constitution, which provide, if it so does, for the person seeking permission to represent the corporate body in litigation.

[6] The instant claim is a claim for breach of contract and damages in the sum of \$21,500.00. The Claimant contends that the Claimant secured a sale for the Defendant's property, acting as a real estate agent, and was thus entitled to a commission of 5% on the sale price of \$430,000.00.

[7] The application, in my view, is drafted in a manner sufficiently similar to the prescribed forms and contains the evidence which addresses the test for the grant of an interim injunction set out in **American Cyanamid Co v Ethicon Ltd**¹, that it raises the Court's suspicion that it was drafted by a legal practitioner or at minimum a legal practitioner assisted in its drafting. The Court also notes that an address for service is given for the Claimant, litigant in person, of a legal practitioner in this jurisdiction.

[8] In this Court's view, whilst access to justice as a litigant in person is a right of a litigant, this right is not unfettered. It is subject to, in the case of a corporate body, the Court giving permission to a duly authorised officer to conduct the litigation on behalf of the corporate body.

[9] A corporate body cannot simply file a claim as a litigant in person and expect that, without more, any officer of the corporate body can appear in Court and represent it. There is a process of vetting by the Court which is aimed at ensuring that the claim lends itself to being prosecuted or defended by an authorised officer and that the person seeking to do so on behalf of the corporate body is authorised by the corporate body to do so.

[10] In this case, while the rule is silent on the applicability of CPR 22.3 to injunctive proceedings, my interpretation of it is that the requirement for the Court to give

¹ [1975] AC 396

permission to a duly authorised officer of a corporate body to represent it in a claim, which permission is to be applied for at the case management or pre-trial review stage, it equally must apply to an application for interim injunctive relief. To interpret the rule otherwise would be to permit a company to institute and prosecute an application for interim injunctive relief with no certainty that the person appearing on behalf of the corporate body is authorised by it to represent it and, more so, that the Court would give the person permission as a duly authorised officer of the company.

[11] In the instant case, I have before me no application or evidence that the deponent, the person who purports to appear on behalf of the corporate body, is an authorised officer of the corporate body which has brought the claim.

[12] This brings me to the trickier issue. Having concluded as above, the Court's function is not to descend into the arena and advise the Claimant or any litigant in person what steps are prudent for it to take. To do so would be prejudicial to the Defendant and generally not the function of the Court.

[13] A person or corporate body who chooses to exercise its right to act as a litigant in person is under the obligation to familiarise itself with the Court's rules, procedures and the law. It is not for the Court to extend any special or extra courtesy to a litigant in person outside of ensuring that it gives a fair hearing. These sentiments have been expressed by the United Kingdom Supreme Court in **Barton v Wright Hassall LLP**² by Lord Sumption at paragraph 18 which states that:

“... In current circumstances any court will appreciate that litigating in person is not always a matter of choice. At a time when the availability of legal aid and conditional fee agreements have been restricted, some litigants may have little option but to represent themselves. Their lack of representation will often justify making allowances in making case management decisions and in conducting hearings. But it will not usually justify applying to litigants in person a lower standard of compliance with rules or orders of the court. The overriding objective requires the courts so far as practicable to enforce compliance with the rules: CPR rule 1.1(1)(f). The rules do

² [2018] UKPC 12

not in any relevant respect distinguish between represented and unrepresented parties.”

[14] A similar sentiment to the above was expressed by Seepersad J in **Mahabirsingh v Jones**³, at paragraphs 18 and 19 of his judgment, the reasoning of which I associate myself with:

“18. The Claimant has been afforded an opportunity to be heard but his submissions have been conflated and illogical. The course adopted by the Claimant has to be discouraged as the Court must take control of the regulated and disciplined process of litigation and where necessary, rein in parties where they go astray.

19. The Court in dealing with cases justly and in keeping with the overriding objective, maintains that no litigant, even if self-represented, is entitled to waste its time with frivolous, vexatious and unmeritorious arguments or applications such as the three applications which were before the Court.”

[15] By reason of the above, the Court is not minded to exercise its jurisdiction to hear this application. The Court is minded to permit the Claimant the opportunity to make an application for a duly authorised officer to be given permission to represent the Claimant in this application.

[16] In the circumstances, I make the following orders:

- 1) The application filed on 20th June 2025 is stayed pending the making of an application by the Claimant pursuant to CPR 22.3, or counsel being appointed to represent the Claimant.
- 2) If an application is made, or counsel is appointed, it will be relisted before this Court.

³ CV2024/02546 (Trinidad and Tobago, unreported, delivered on 15th May 2025)

- 3) If no application is made or no counsel appointed to act on behalf of the Claimant within 30 days from the date of this order, this application stands dismissed with no order as to costs.

Alvin S. Pariagsingh
Judge

By the Court,

Registrar