

THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

Civil Division

SAINT LUCIA

Claim No. SLUHCV2021/0407

In the matter of an application by **ENDURANCE DOBOO** for an order pursuant to Part 21 Rule 21.2 of the Civil Proceedings Rules 2000 as amended

BETWEEN

[1] **ENDURANCE DODOO**
[2] **CANDICE TURNER**
[3] **ESTATE OF REUBIN HURRICANE TURNER (DECEASED)**

Claimants

and

TI KAYE RESORT & SPA

Defendant

Appearances:

Sueanna Frederick for the Applicant.

2021: October 06;
October 25 - via email

DECISION

Applicant's application for an order appointing a representative of the Third Claimant

[1] **PARIAGSINGH, M. (Ag.):** -Before the Court is the Applicant's application filed on October 06, 2021. This application was considered on paper only. For the reasons set out below the application is dismissed with no order as to costs.

REASONS FOR DECISION:

[2] The form is incorrect. The Court's jurisdiction must be initiated by an originating document; claim form, fixed date claim form or petition. This application ought to have been made by a fixed date claim form and supporting affidavit. Notwithstanding the form and the Court's power to direct those procedural irregularities be rectified, the substance also does not meet the evidential threshold.

[3] The supporting affidavit is deficient in that it does not state:

- a. If the deceased died testate or intestate?
- b. Who is the Executor if the deceased died testate?
- c. Who is the person next entitled to apply for administration if the deceased died intestate?
- d. Does the relationship between the Applicant and the deceased give locus to apply in this jurisdiction for a grant?
- e. Is it intended that a grant be extracted in this jurisdiction? Or it is intended that a foreign grant would be resealed?

[4] I am not satisfied on the evidence before me that the Applicant can fairly and competently represent the estate of the deceased. The Applicant purports to say so as a fact but provides no evidence.

[5] The affidavit does not disclose what cause that estate intends to pursue in this jurisdiction. The application says nothing about what this case is about. The Court will not consider an application like this in the absence of any information of what the intended action is about. At the barest minimum, evidence must be put before the Court to establish that the estate has a claim to be pursued in this jurisdiction.

ORDER:

[6] In the circumstances, it is hereby ordered that:

- a. The Applicant's application filed on October 06, 2021 is dismissed; and
- b. There be no order as to costs.

**Alvin Shiva Pariagsingh
Master (Ag.)**