

**THE EASTERN CARIBBEAN SUPREME COURT
SAINT VINCENT AND THE GRENADINES
IN THE HIGH COURT OF JUSTICE**



SVGHCV2017/0070

BETWEEN:

FELIX DEROCHE

CLAIMANT

AND

MARC RICHARDSON

AND

AXIS LTD

AND PLUMBING DESIGN & INSTALLATION LIMITED

**DEFENDANTS/
ANCILLARY CLAIMANTS**

AND

ANDRE DEROCHE

**FOURTH DEFENDANT/
ANCILLARY DEFENDANT**

AND

ANDRE DEROCHE

**SECOND ANCILLARY
CLAIMANT**

AND

FELIX DEROCHE

**SECONDARY ANCILLARY
DEFENDANT**

Appearances:

Mr. Stanley John Q.C. with Mr. Akin John for the Claimant/First Ancillary Defendant

Mr. Jonathan Lewis for the First, Second and Third Defendants/First Ancillary Claimant

Mr. Joseph Delves for the Second Ancillary Defendant and Fourth Defendant/Second Ancillary Claimant

2019: June 4

ADDENDUM TO JUDGMENT DELIVERED ON THE 4TH JUNE 2019

Byer, J.:

- [1] On the delivery of this decision on 4 June 2019, upon the court making inquiry of counsel for the First, Second and Third defendants/ancillary claimants as to his submission of his closing address in this matter, the court was informed that the same had in fact been filed on 25 March 2019.
- [2] Subsequent to the delivery of judgment and only upon the court's request, the submissions of the First, Second and Third defendants/ancillary claimants were provided to the court. I therefore issue this addendum to my judgment having considered the same.
- [3] In my mind these closing submissions do not raise any new issues of law that have not already been dealt with in the substantive judgment.
- [4] The substance of the submissions made, accord with the determination of the court with regard to the legal position of the First, Second and Third defendants/ancillary claimants.
- [5] However, in light of the submissions made by counsel, I now amend my finding with regard to costs and in particular paragraph 3 of my substantive judgment¹ and award the First and Second defendants costs to be paid by the claimant pursuant to Part 65.5 CPR 2000 on the basis of an unvalued claim. This is in keeping with the finding of the court that the First and Second defendants were never in occupation of the subject Property and that the claimant was therefore not entitled to damages for trespass².
- [6] The finding in relation to the Third defendant/ancillary claimant remains intact with regard to the order of costs.



Nicola Byer
HIGH COURT JUDGE

By the Court
REGISTRAR'S OFFICE

ST. VINCENT AND THE GRENADINES
Registrar

¹ Order of the court under Heading "As To The Issue Of Costs"

² Paragraph 87 of the judgment delivered on 4 June 2019