

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
Tuesday 20th January 2026

MATTERS DEALT WITH ON PAPER

Case Name:

**Barnes Bay Development Limited
(in Liquidation)**

v

**[1] Starwood Capital Group (Starwood
Capital Group Global L.P.)**

**[2] Sof-VIII- Hotel II Anguilla Holdings
L.L.C.**

[3] Bradford Korzen

**[AXAHCVAP2022/0004]
(Anguilla)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. D. Michael Bourne

Respondents:

Mr. William Hare and Mr. J Alex Richardson

Issues:

Application for assessment of costs

**Result
Order:**

/

IT IS HEREBY ORDERED THAT:

1. The respondents/applicants and the appellant shall file and serve a bill or other document showing the sum in which the court is being asked to assess the costs.
2. Thereafter, the Chief Registrar shall assess costs and if necessary, issue directions to guide the process.

Reason:

The Court noted Rules 65.2 and 65.12(4) of the Civil Procedure Rules (Revised Edition) 2023 which stipulates that the sum allowed for costs is that which the Court deems reasonable were the work to be carried out by a legal practitioner of reasonable competence and which appears to be fair to the person paying and the person receiving costs; that the court must have regard among other factors to the time reasonably spent on the case, the novelty, weight and complexity of the case and that the applicant must supply information to the court as to how the requested sum is calculated. The Court further noted that the applicant had not furnished the evidence required by the CPR and therefore directed that the Chief Registrar assess costs subsequent to the applicant filing and serving a bill of costs.

Case Name:

Leon Riley

v

The King

**[ANUHCVP2025/0033]
(Antigua and Barbuda)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

Application seeking delivery of client files

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for delivery of client files
filed on 16th December 2025 is dismissed.**
- 2. No order is made as to costs**

Reason:

**The Court noted the affidavit of Bernita Gregoire
filed on 19th January 2026 representing that on
3rd January 2026, she received from Mr. Wendell
Alexander, or his representative, the client file
pertaining to Mr. Leon Riley's case that is the
subject of the instant application. The
application for delivery therefore became moot
and was therefore dismissed.**

Case Name:

Cyprian Kowalczyk

v

- [1] Riyaz Rahim Abdulla
[2] Ashley Nicole Harris
[3] Bre-Anne Laurel Julia Graham
[4] John Daniel Graham**

**[ANUHCVP2025/0033]
(Antigua and Barbuda)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

In person

Respondents:

Dr. L. Errol Cort and Ms. Alketz Joseph

Issues:

Application to deem service of documents as proper service – Application for an extension of time to serve third and fourth

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time to effect service of the Notice of Appeal and Appeal documents on the third and fourth respondents is granted.**
- 2. Service of the Notice of Appeal and Appeal Documents by Registered Post dispatched on 19th December 2025 to the Third and Fourth Respondents at their address in the United Kingdom is deemed valid service pursuant to CPR Part 7.**
- 3. The Notice of Appeal and Appeal documents are deemed to have been validly served on the third and fourth respondents on 7th January 2026.**
- 4. The third and fourth respondents are required to file their Counter Notice to the Appeal within 14 days of the deemed date of service of the Notice of Appeal, i.e. on or before 22nd January 2026 or such date specified by further order of court and shall serve a copy on the other parties within 7 days of filing.**
- 5. The Appeal shall thereafter proceed in accordance with the CPR.**

Reason:

The Court considered rule 62.9 (1) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“the CPR”) which states that ‘the notice of appeal must be served on all parties to the proceedings’ and rule 62.9(2) which provides that ‘the notice of appeal or amended notice of appeal must be served within 14 days, or within such period as prescribed by law, or order, after the notice has been filed.

The Court also considered rule 5.6 of the CPR which prescribes that ‘if a legal practitioner (a) is authorized to accept service of the claim form on behalf of a party; and (b) has notified claimant in writing that he or she is authorized, the claim form must be served on that legal practitioner.’

The Court noted that there was no evidence before the Court that written notice of any authorization to accept service on the third and fourth respondents’ behalf was issued by the legal practitioners for the first and second respondents.

The Court determined that in the circumstances service of the Notice of Appeal and all appeal documents on the first and second respondents’ legal practitioners personally or by email does not constitute good and sufficient service on the third and fourth respondents; and therefore, no declaration was made that such service constitutes good and sufficient service on them, or that the first and second respondents act as their agents in managing Parcel 572, or that the Notice of Opposition filed on 10th December 2025 amounts to an indication that Cort & Cort thereby signified that they accepted instructions to act for the third and fourth respondents or confirmed agency on their behalf.

The Court further considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* (delivered 6th July 2020, unreported) and the factors to be considered by the court namely: (i) the nature of the failure and the consequential effect; (ii) the length of the delay and whether any good explanation has been put forward excusing it; (iii) weighing the prejudice to the parties in the context of the failure and the delay; and (v) whether the appeal has a realistic prospect of success.

The Court noted that the applicant filed his application before the expiry of the time prescribed for service of the Notice of Appeal, that the evidence demonstrated that the applicant had made several attempts to effect service on the third and fourth respondents, that the applicant had advanced reasonable explanations for the failure to the effect service within the time limited in the CPR, that the prejudice to the applicant in refusing the application for extension of time would be greater than any prejudice to the third and fourth respondents by an order granting the application and that in the furtherance of the overriding objective it is just to grant the application for an extension of time.

The Court therefore determined that it was just in the circumstances of this case to rectify the procedural mis-steps by the applicant by extending the time for service of the Notice of Appeal and Appeal documents on the third and fourth respondents and by making a declaration that they are deemed to have been validly served on the third and fourth respondents out of

jurisdiction by registered post on 7th January 2026.

Case Name:

Javonson Willock

v

Chief of Defence Staff

**[ANUHCVP2024/0037]
(Antigua and Barbuda)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant

In person

Respondent:

Mr. David Bruney

Issues:

Application seeking leave to file and serve his amended notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The amended notice of appeal filed on 23rd December 2025 is deemed properly filed.**
- 2. The applicant must serve the amended Notice of Appeal in accordance with the CPR.**

Reason:

The Court considered section 80 of the Court of Appeal Rules which provides that ‘grounds of appeal may be amended at any time upon such terms as the Court shall think just’.

The Court also considered rule 62.5(7) of the Civil Procedure Rules (Revised Edition) 2023 which states that the appellant may, except on an interlocutory appeal, amend the grounds of appeal once without permission at any time within 28 days from receiving notice under rule 62.12(1)(a), (b) or (c) that a transcript of evidence and judgment have been prepared and noted that no such notice had been issued.

The Court therefore determined that the amended notice of appeal filed on 23rd December 2025 was properly filed.

Case Name:

Meryl Pilgrim t/a Pilgrim Electric Services

v

Kobie De Peza

**[ANUHLTAP2025/0005]
(Antigua and Barbuda)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Justin L. Simon KC with him Ms. Shannon Potter

Respondent:

No appearance

Issues:

Application for an extension of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for extension of time to file the notice of appeal is refused.

Reason:

The Court considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* (delivered 6th July 2020, unreported) and the factors to be considered by the court: (i) the nature of the failure and the consequential effect; (ii) the length of the delay and whether any good explanation has been put forward for excusing it; (iii) weighing the prejudice to the parties in the context of the failure and the delay; and (iv) whether the appeal has a realistic prospect of success.

The Court was not satisfied that the applicant had advanced a good explanation for her failure to file the notice of appeal before the expiry of the prescribed timeline for so doing that would justify excusing the failure; that the delay in making an application for extension of time is inordinate; that the respective prejudice to the parties depending on the outcome of this application are evenly balanced; and that there are no compelling or good reasons why the application for extension ought to be granted and that it is just to refuse the application.

The Court was therefore of the view that the applicant had not met the threshold for the grant of an extension of time and refused the application.

Case Name:

[1] ORBIMED Partners Master Fund Limited

[2] Geoffrey C Hsu

[3] Sven H. Borho

v

**[1] Saif Partners IV LP
[2] Yuk Lam Lo
[3] Simon Anderson
[4] Shan Fu
[5] Shuge Jiao
[6] Yumin Qiu
[7] Yu Wang
[8] Rui-Ping Xiao
[9] Andrew Yan
[10] Weidong Yin**

**[ANUHCVAP2025/0034]
(Antigua and Barbuda)**

Date: Tuesday 20th January 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants: Mr. Andrew O’Kola

Respondents: Ms. Satcha Kissoon for Saif Partners
Ms. Renee T. St. Rose KC with her Ms. Marie-Ange Symmonds for Yuk Lam Lo
Mr. Kendrickson Kentish KC for the 3rd to 10th respondents

Issues: Application an order that the appeal be heard and determined on an expedited basis – application for a stay of execution

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. The application filed on 29th December 2025 for an order expediting the appeal

and seeking a stay of execution of the order of Williams J dated 5th December 2025 is adjourned to the next Chamber Hearing scheduled for 17th February 2026.

Reason:

The Court noted the application filed by Sinovac Biotech Ltd (“Sinovac”) (a party to proceedings in the High Court Claim No. ANUHCv2025/0320 on 19th January 2026 for an order that Sinovac be properly served in accordance with CPR 5A.12(4) and 26.9 as a respondent to the instant proceedings and an order that the hearing of the notice of application filed by the applicants be adjourned to give Sinovac an opportunity to respond to the application for a stay pending appeal, together with supporting documents.

The Court was therefore of the view that the application filed by the applicant on 29th December 2025 should be adjourned to facilitate the fulsome consideration of the stay and expedition application.

Case Name:

[1] 1Globe Capital LLC
[2] Chiang Li

v

[1] Saif Partners IV LP
[2] Yuk Lam Lo
[3] Simon Anderson
[4] Shan Fu
[5] Shuge Jiao
[6] Yumin Qiu
[7] Yu Wang
[8] Rui-Ping Xiao
[9] Andrew Yan
[10] Weidong Yin

**[ANUHCVP2025/0035]
(Antigua and Barbuda)**

Date: Tuesday 20th January 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants: Mr. Craig L. Jacas

Respondents: Ms. Satcha Kissoon for Saif Partners

Ms. Renee T. St. Rose KC with her Ms. Marie-Ange Symmonds for Yuk Lam Lo

Mr. Kendrickson Kentish KC for the 3rd to 7th, 9th and 10th respondents

Issues: Application an order that the appeal be heard and determined on an expedited basis – application for a stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 29th December 2025 for an order expediting the appeal and seeking a stay of execution of the order of Williams J dated 5th December 2025 is adjourned to the next Chamber Hearing scheduled for 17th February 2026.

Reason: The Court noted the application filed by Sinovac Biotech Ltd (“Sinovac”) (a party to proceedings in the High Court Claim No. ANUHCVP2025/0320 on 19th January 2026 for an order that Sinovac be properly served in accordance with CPR 5A.12(4) and 26.9 as a respondent to the instant proceedings and an order that the hearing of the notice of application filed by the applicants be adjourned to give Sinovac an opportunity to

respond to the application for a stay pending appeal, together with supporting documents.

The Court was therefore of the view that the application filed by the applicant on 29th December 2025 should be adjourned to facilitate the fulsome consideration of the stay and expedition application.

Case Name:

**[1] ORBIMED Partners Master
Fund Limited
[2] Geoffrey C Hsu
[3] Sven H Borho**

v

**[1] Saif Partners IV LP
[2] Yuk Lam Lo
[3] Simon Anderson
[4] Shan Fu
[5] Shuge Jiao
[6] Yumin Qiu
[7] Yu Wang
[8] Rui-Ping Xiao
[9] Andrew Yan
[10] Weidong Yin**

**[ANUHCVP2025/0036]
(Antigua and Barbuda)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants:

Mr. Andrew O’Kola

Respondents:

Ms. Satcha Kissoon for Saif Partners

Ms. Renee T. St. Rose KC with her Ms. Marie-Ange Symmonds for Yuk Lam Lo

Mr. Kendrickson Kentish KC for the 3rd to 7th, 9th and 10th respondents

Issues:

Application an order that the appeal be heard and determined on an expedited basis – application for a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed on 29th December 2025 for an order expediting the appeal and seeking a stay of execution of the order of Williams J dated 5th December 2025 is adjourned to the next Chamber Hearing scheduled for 17th February 2026.**

Reason:

The Court noted the application filed by Sinovac Biotech Ltd (“Sinovac”) (a party to proceedings in the High Court Claim No. ANUHCV2025/0320 on 19th January 2026 for an order that Sinovac be properly served in accordance with CPR 5A.12(4) and 26.9 as a respondent to the instant proceedings and an order that the hearing of the notice of application filed by the applicants be adjourned to give Sinovac an opportunity to respond to the application for a stay pending appeal, together with supporting documents.

The Court was therefore of the view that the application filed by the applicant on 29th December 2025 should be adjourned to facilitate the fulsome consideration of the stay and expedition application.

Case Name:

National Bank of Dominica Ltd.

v

Marvin M. Daniel
[DOMHCVAP2025/0013]
(Commonwealth of Dominica)

Date: Tuesday 20th January 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant: Mr. Stephen K.M. Isidore

Respondent: No appearance

Issues: Application to consolidate appeals

Result /
Order: IT IS HEREBY ORDERED THAT:

1. Appeal No. DOMHCVAP2025/0013 and Appeal No. DOMHCVAP2025/0014 are hereby consolidated and shall proceed as a single appeal.
2. The consolidated appeals will retain their original filing numbers but in all other respects will proceed as a single appeal.
3. All submissions, applications, and hearing dates in respect of the two appeals shall be treated as consolidated.
4. The consolidated interlocutory appeals and all related case management or status hearings shall be heard together on dates to be fixed by the Chief Registrar.

Reason:

The Court noted that both appeals arose from the identical judgment of Alami J delivered on 14th July 2025 where the underlying claims were struck out for want of prosecution. The Court further noted that the applicant is the same in both appeals and that the asserted grounds of appeal, legal arguments and authorities relied on in both appeals were identical.

The Court considered Rules 26.1(2)(b) and 62.24 of the Civil Procedure Rules (Revised Edition) 2023 which expressly provides that the Court of Appeal has all powers of the High Court including the case management powers to consolidate proceedings, and determined that consolidation of the two appeals is necessary to promote judicial economy and ensure efficient case management and determination of the appeals in accordance with the overriding objective of the CPR. The Court subsequently granted the application.

Case Name:

National Bank of Dominica Ltd.

v

[1] Destine Construction Ltd.

[2] Burke Vidal

[3] Winifred Vidal

**[DOMHCVAP2025/0014]
(Commonwealth of Dominica)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Stephen K.M. Isidore

Respondents:

No appearance

Issues:

Application to consolidate appeals

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Appeal No. DOMHCVAP2025/0013 and Appeal No. DOMHCVAP2025/0014 are hereby consolidated and shall proceed as a single appeal.**
- 2. The consolidated appeals will retain their original filing numbers but in all other respects will proceed as a single appeal.**
- 3. All submissions, applications, and hearing dates in respect of the two appeals shall be treated as consolidated.**
- 4. The consolidated interlocutory appeals and all related case management or status hearings shall be heard together on dates to be fixed by the Chief Registrar.**

Reason:

The Court noted that both appeals arose from the identical judgment of Alami J delivered on 14th July 2025 where the underlying claims were struck out for want of prosecution. The Court further noted that the applicant is the same in both appeals and that the asserted grounds of appeal, legal arguments and authorities relied on in both appeals were identical.

The Court considered Rules 26.1(2)(b) and 62.24 of the Civil Procedure Rules (Revised Edition) 2023 which expressly provides that the Court of Appeal has all powers of the High Court including the case management powers to consolidate proceedings, and determined that

consolidation of the two appeals is necessary to promote judicial economy and ensure efficient case management and determination of the appeals in accordance with the overriding objective of the CPR. The Court subsequently granted the application.

Case Name:

**First Caribbean International Bank
(Barbados) Ltd.**

v

Hector John

**[DOMHCVAP2025/0016]
(Commonwealth of Dominica)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Stephen K.M. Isidore

Respondent:

No appearance

Issues:

Application to consolidate appeals

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Appeals Nos. DOMHCVAP2025/0016; DOMHCVAP2025/0017 and DOMHCVAP2025/0018 are hereby consolidated and shall proceed as a single appeal.**
- 2. The consolidated appeals will retain their original filing numbers but in all other respects will proceed as a single appeal.**

3. All submissions, applications, and hearing dates in respect of the three appeals shall be treated as consolidated.
4. The consolidated interlocutory appeals and all related case management or status hearings shall be heard together on dates to be fixed by the Chief Registrar.

Reason:

The Court noted that both appeals arose from the identical judgment of Alami J delivered on 14th July 2025 where the underlying claims were struck out for want of prosecution. The Court further noted that the applicant is the same in both appeals and that the asserted grounds of appeal, legal arguments and authorities relied on in both appeals were identical.

The Court considered Rules 26.1(2)(b) and 62.24 of the Civil Procedure Rules (Revised Edition) 2023 which expressly provides that the Court of Appeal has all powers of the High Court including the case management powers to consolidate proceedings, and determined that consolidation of the two appeals is necessary to promote judicial economy and ensure efficient case management and determination of the appeals in accordance with the overriding objective of the CPR. The Court subsequently granted the application.

Case Name:

**First Caribbean International Bank
(Barbados) Ltd.**

v

**[1] Denise Auguiste
[2] Armour Joseph**

[DOMHCVAP2025/0017]

(Commonwealth of Dominica)

Date: Tuesday 20th January 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant: Mr. Stephen K.M. Isidore

Respondents: No appearance

Issues: Application to consolidate appeals

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. Appeals Nos. DOMHCVAP2025/0016; DOMHCVAP2025/0017 and DOMHCVAP2025/0018 are hereby consolidated and shall proceed as a single appeal.
2. The consolidated appeals will retain their original filing numbers but in all other respects will proceed as a single appeal.
3. All submissions, applications, and hearing dates in respect of the three appeals shall be treated as consolidated.
4. The consolidated interlocutory appeals and all related case management or status hearings shall be heard together on dates to be fixed by the Chief Registrar.

Reason: The Court noted that both appeals arose from the identical judgment of Alami J delivered on 14th July 2025 where the underlying claims were struck out for want of prosecution. The Court further noted that the applicant is the same in both appeals and that the asserted grounds of

appeal, legal arguments and authorities relied on in both appeals were identical.

The Court considered Rules 26.1(2)(b) and 62.24 of the Civil Procedure Rules (Revised Edition) 2023 which expressly provides that the Court of Appeal has all powers of the High Court including the case management powers to consolidate proceedings, and determined that consolidation of the two appeals is necessary to promote judicial economy and ensure efficient case management and determination of the appeals in accordance with the overriding objective of the CPR. The Court subsequently granted the application.

Case Name:

**First Caribbean International Bank
(Barbados) Ltd.**

v

Reynold Alcendor

**[DOMHCVAP2025/0018]
(Commonwealth of Dominica)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Mr. Stephen K.M. Isidore

Respondent:

No appearance

Issues:

Application to consolidate appeals

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Appeals Nos. DOMHCVAP2025/0016; DOMHCVAP2025/0017 and DOMHCVAP2025/0018 are hereby consolidated and shall proceed as a single appeal.
2. The consolidated appeals will retain their original filing numbers but in all other respects will proceed as a single appeal.
3. All submissions, applications, and hearing dates in respect of the three appeals shall be treated as consolidated.
4. The consolidated interlocutory appeals and all related case management or status hearings shall be heard together on dates to be fixed by the Chief Registrar.

Reason:

The Court noted that both appeals arose from the identical judgment of Alami J delivered on 14th July 2025 where the underlying claims were struck out for want of prosecution. The Court further noted that the applicant is the same in both appeals and that the asserted grounds of appeal, legal arguments and authorities relied on in both appeals were identical.

The Court considered Rules 26.1(2)(b) and 62.24 of the Civil Procedure Rules (Revised Edition) 2023 which expressly provides that the Court of Appeal has all powers of the High Court including the case management powers to consolidate proceedings, and determined that consolidation of the two appeals is necessary to promote judicial economy and ensure efficient case management and determination of the appeals in accordance with the overriding objective of the CPR. The Court subsequently granted the application.

Case Name:

Glennie Bruney

v

**[1] Ransom Frederick
[2] Attorney General of the
Commonwealth of Dominica**

**[DOMHCVAP2025/0026]
(Commonwealth of Dominica)**

Date: Tuesday 20th January 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant: Ms. Cara Shillingford

Respondents: No appearance

Issues: Application for leave to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. The application for leave to appeal the order dated 25th November 2025 is granted.
2. The Applicant shall file and serve his notice of appeal within 21 days of the date of this order (i.e. on or before 11th February 2026).
3. Thereafter, the appeal shall proceed in accordance with Part 62 of the CPR.

Reason: The Court noted rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that leave to

appeal may be given only where – (a) the court considers that the appeal would have a realistic prospect of success; or (b) there is some other compelling reason why the appeal should be heard. The Court was of the view that the applicant had met the threshold for the grant of leave to appeal and therefore granted the application.

Case Name:

Fort Jeudy Association Inc.

v

[1] Augustine Telesford Jr.

[2] Devon Francis

**(In their capacities as representatives of
the estate of Augustine Telesford,
deceased)**

**[GDAHCVAP2024/0001]
(Grenada)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant:

Ms. Maurissa Johnson

Respondents:

No appearance

Issues:

Application for an extension of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed on 5th January 2026
for an extension of time is granted.**

2. The applicant shall file their skeleton arguments within 14 days of the date of this order or on or before 4th February 2026.

Reason:

The Court considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHC VAP2020/0004* (delivered 6th July 2020, unreported) including (i) the nature of the failure and the consequential effect; (ii) the length of the delay and whether any good explanation has been put forward for excusing it, (iii) weighing the prejudice to the parties in the context of the failure and the delay, and (iv) whether the appeal has a realistic prospect of success.

The Court also considered that the applicant applied for an extension of time before the deadline to file skeleton arguments and that the delay was not inordinate and there would be no prejudice to the respondent in the context of the failure and the delay. In those circumstances the Court determined that the applicant should be granted an extension of time to file skeleton arguments.

Case Name:

DDM Properties Limited

v

Eustace Hobson

**[SKBHC VAP2026/0001]
(Saint Christopher and Nevis)**

Date:

Tuesday 20th January 2026

Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:	
Applicant: Respondent:	Ms. Midge Morton No appearance
Issues:	Application for leave to appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application filed on 7th January 2026 for leave to appeal the order of Gill J dated 17th December 2025 is adjourned for an oral hearing to be conducted before a single judge of the Court on a date to be fixed by the Chief Registrar. 2. No order as to costs.
Reason:	The Court considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard as well as the principles for the grant of leave to appeal as stated in <i>Sylvester v Faelleseje</i> Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported). The Court was of the view that the applicant's grounds of appeal did not disclose a realistic prospect of success on appeal or some other compelling reason why the appeal should be heard and that therefore the applicant had not met the threshold for the grant of leave to appeal. The application was therefore adjourned

for an oral hearing as required by rule 62.2(7) of the CPR.

Case Name:

Shaheel Jagroop

v

Lucretia Johnny

**[SLUHCVAP2023/0023]
(Saint Lucia)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant/Respondent: Mr. V. Dexter Theodore KC

Respondent/Appellant: In person

Issues:

Application for assessment of costs

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The parties are to file and exchange on or before 11th February 2026 written submissions accompanied by precedents as to the sums awarded as assessed costs in appeals of the complexity and nature as the instant matter.**
- 2. The application to assess costs is adjourned to the next Chamber Hearing date scheduled for 17th February 2026.**

Reason:

The Court considered Rules 62.30, 65.2, 65.12, 65.15(1) and 65.20 of the Civil Procedure Rules

(Revised Edition) 2023 which collectively confer jurisdiction on a judge, master, chief registrar or registrar to assess costs, set out the factors to be considered and outline the methodology for conducting such assessment.

The Court was of the view that it would benefit from submissions supported by precedents as to the quantum awarded as assessed costs in similar appeals from this jurisdiction and elsewhere and that the parties should be afforded an opportunity to file and exchange submissions to such effect. The application was therefore adjourned to the next chamber hearing date scheduled for 17th February 2026.

Case Name:

Dr. Charles Isidore

v

Gerard Williams

**[SLUHCVAP2020/0003]
(Saint Lucia)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant/Respondent:

Mr. V. Dexter Theodore KC

Respondent/Appellant:

Mr. Horace Fraser

Issues:

Application for assessment of costs

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The parties are to file and exchange on or before 11th February 2026 written submissions accompanied by precedents as to the sums awarded as assessed costs in appeals of the complexity and nature as the instant matter.
2. The application to assess costs is adjourned to the chamber hearing date in February 2026.

Reason:

The Court considered Rules 62.30, 65.2, 65.12, 65.15(1) and 65.20 of the Civil Procedure Rules (Revised Edition) 2023 which collectively confer jurisdiction on a judge, master, chief registrar or registrar to assess costs, set out the factors to be considered and outline the methodology for conducting such assessment.

The Court was of the view that it would benefit from submissions supported by precedents as to the quantum awarded as assessed costs in similar appeals from this jurisdiction and elsewhere and that the parties should be afforded an opportunity to file and exchange submissions to such effect. The application was therefore adjourned to the next chamber hearing date scheduled for 17th February 2026.

Case Name:

**[1] The Comptroller of Customs
[2] The Attorney General of Saint
Lucia**

v

Mc Kin St Hilaire

**[SLUHCVP2025/0006]
(Saint Lucia)**

Date:

Tuesday 20th January 2026

Before:		The Hon. Mde. Esco L. Henry, Justice of Appeal
On paper:		
	Applicants:	Mr. Seryozha Cenac
	Respondent:	No appearance
Issues:		Application for a stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application filed on 18th December 2025 for a stay of execution of the orders at paragraph 100 (4), (5), (6), (7) and (9) of the judgment of Pariagsingh J dated 15th April 2025.
Reason:		The Court considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay adumbrated in <i>Hammond Suddard Solicitors v Agrichem International Holdings Limited</i> [2001] EWCA Civ 2065 applied in <i>C-Mobile Services Limited v Huawei Technologies Co Limited</i> BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and which include the following: ‘the first is that the court should take into account all the circumstances of the case. Second, a stay in the exception rather than the general rule. Third, the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted. Fourth, in exercising its discretion, the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party must be carefully considered. The fifth is that the court should also take into account the prospect of the appeal succeeding,

but only where strong grounds of appeal or a strong likelihood the appeal will succeed is shown (which would usually enable a stay to be granted).'

The Court was mindful that the court should exercise its discretion to grant a stay will depend on all the circumstances of the case, and the essential question is whether there is a risk of injustice to one or both parties if it grants or refuses a stay as well as that cogent evidence is required in support of a stay. The Court determined that the applicant advanced strong grounds of appeal and evidence that the appeal would be stifled or rendered nugatory if a stay is not granted, and further, that refusing a stay is more likely to prejudice the applicants in the circumstances of this case. The application was subsequently granted.

Case Name:

**[1] Hilary Estanio
[2] Danis Estanio**

v

Christopher Edward

**[SLUHCVAP2025/0020]
(Saint Lucia)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants:

Mr. Gerard Williams

Respondent:

No appearance

Issues: Application for leave to appeal – Application for a stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 29th October 2025 for leave to appeal the decision of Pariagsingh J dated 9th October is granted.
2. The applicant shall file his notice of appeal within 21 days of the date of this order.
3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules 2023.
4. A temporary stay of proceedings is granted pending the inter partes hearing of the application for a stay.
5. The respondent shall file submissions in response to the application for a stay of proceedings within 21 days of the date of this order (i.e. on or before 4th February 2026).
6. The application for a stay is adjourned to the next Chamber Hearing scheduled for 17th February 2026.

Reason: The Court considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard as well as the principles for the grant of leave to appeal as stated in *Othneil Sylvester v Faelleseje* Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported).

The Court noted that the respondent had not responded to the stay application and was of the that the respondent should be afforded an opportunity to respond to the application for a stay. Otherwise, the Court determined that the applicant had met the threshold for the grant of leave to appeal. The Court therefore granted to the application for leave to appeal, issued directions for the filing of submissions and adjourned the stay application to the next Chamber Hearing scheduled for 17th February 2026.

Case Name:

**[1] Tarek Al-Aggad
[2] Talal Al-Aggad
[3] Aggad International
Investment Company Limited**

v

**[1] Rana Al-Aggad
[2] AICO International E.C.
(a dissolved company formerly
incorporated in the Kingdom of Bahrain
acting by its Provisional Liquidator, Mr.
Aaron Gardner)**

**[BVIHCMAP2025/0028]
(Territory of the Virgin Islands)**

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants:

Mr. James Petkovic

Respondents:

No appearance

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed on 2nd December 2025 for leave to appeal the order of Wallbank J entered on 13th November 2025 is granted.**
- 2. The applicants are to file their Notice of Interlocutory Appeal within 21 days of this order (i.e. on or before 11th February 2026).**

Reason:

The Court considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard as well as the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and was satisfied that the applicant had a real prospect of success. The Court therefore granted leave to appeal.

Case Name:

Vladimir Niyazov

v

**Messrs. Maples and Calder
(a partnership)**

**[BVIHCMAP2022/0050]
(Territory of the Virgin Islands)**

Date:

Tuesday 20th January 2026

Before:	The Hon. Mde. Esco L. Henry, Justice of Appeal				
On paper:					
<table border="0"> <tr> <td style="padding-right: 20px;">Applicant:</td> <td>In person</td> </tr> <tr> <td>Respondent:</td> <td>No appearance</td> </tr> </table>	Applicant:	In person	Respondent:	No appearance	
Applicant:	In person				
Respondent:	No appearance				
Issues:	Application for leave to appeal – Application for a stay of execution				
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The application filed on 29th July 2022 for leave to appeal the order of Wallbank J dated 14th July 2022 is adjourned for an oral hearing to be conducted before a single judge of the court on a date to be fixed by the Chief Registrar. 2. The Court shall serve the notice of hearing at least 14 days in advance with proof of service.				
Reason:	The Court considered rule 62.2(8) of the CPR, which provides that leave to appeal may be granted only where (a) the Court considers that the appeal has a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard as well as the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and was of the view that the intended appeal had no realistic prospect of success. The Court therefore, being minded of rule 62.2(7) of the CPR which states that if the judge considering an application under rule 62.2(5) is minded to refuse the application for leave, the				

judge must direct (a) that an oral hearing be fixed and (b) whether that oral hearing is to be by a single judge or the court, adjourned the application and directed that an oral hearing be conducted before a single judge.

Case Name:

TMD

v

[1] ZXD

[2] FDG

[BVIHCMAP2025/0008]

[BVIHCMAP2025/0012]

(Territory of the Virgin Islands)

Consolidated with:

FDG

v

[1] ZXD

[2] TMD

[BVIHCMAP2025/0011]

[BVIHCMAP2025/0013]

Date:

Tuesday 20th January 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants:

Ms. Allana-J Joseph for TMD

Respondents:

Mr. Terence Mowscheinson KC for ZXD

Mr. Alex Hall Taylor KC for FDG

Issues: Application for an extension of time –
Application to vacate hearing

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. The application filed on 15th December 2025 for an extension of time to file skeleton arguments is granted.
2. The applicants shall file their skeleton arguments by 4:00 pm on 13th February 2026.
3. The provisional hearing date for the week commencing 23rd February 2026 is vacated.
4. The consolidated appeal shall be heard on a date to be fixed by the Chief Registrar

Reason:

The Court considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* (delivered 6th July 2020, unreported) and the factors to be considered by the court namely: (i) the nature of the failure and the consequential effect; (ii) the length of the delay and whether any good explanation has been put forward excusing it; (iii) weighing the prejudice to the parties in the context of the failure and the delay; and (v) whether the appeal has a realistic prospect of success.

The Court noted the applicants' indication that due to the length and complexity of the skeleton arguments filed by the respondents/appellants, the applicants/appellants will require more than two weeks to prepare and file their skeleton arguments and that leading counsel for the applicants would be unavailable to prepare the

reply skeleton arguments by the deadline or until the beginning of February and that junior counsel also has limited capacity to assist in the preparation of the skeleton arguments.

The Court further noted that the unavailability of counsel would prejudice the applicants in the preparation and filing of their skeleton arguments and presentation of their respective cases at the hearing scheduled provisionally for the week commencing 23rd February 2026 if the provisional hearing date of the appeal is not vacated, and that no comparable prejudice would be occasioned to the respondents/appellants if the application for an extension of time and vacation of the provisional hearing date is refused.

The Court was of the view that in the furtherance of the overriding objective the applicant should be granted an extension of time to file skeleton arguments and that the provisional hearing date should be vacated.