

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
TUESDAY 29TH APRIL 2025

MATTERS DEALT WITH ON PAPER

Before: The Hon. Madame Margaret Price-Findlay, Justice of Appeal
Case name: [1] Construction Products Limited
[2] Myles Codrington
v
Anthony Greer
(As Executor of the Estate of Joseph Jeffers, deceased)
(ANUHCVP2024/0033)
ANTIGUA AND BARBUDA

Date: Tuesday, 29th April 2025

On paper:
Applicant: Ms. Kivinee Knight-Edwards
Respondent: No appearance

Issues: Application for stay of execution

Result/Order: IT IS HEREBY ORDERED THAT:
1. The respondent shall file his response to the stay application on or before 20th May 2025, with liberty to the applicant to file any reply thereto within 21 days of the date of filing of the respondent's response.
2. Until the further consideration and determination of the stay application on papers, or until further Order of this Court, all proceedings in the High Court of Antigua and Barbuda in relation to ANUHCVP2019/0457 are stayed.
3. No order as to costs.

Reason: The Court was of the view that the application cannot be determined unless the respondent is granted an opportunity to respond and therefore granted an interim stay.

Case name: Daike José Herrera Ramirez
v

**The Police
(DOMMCRAP2023/0009)
COMMONWEALTH OF DOMINICA**

Date: Tuesday, 29th April 2025

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issues: Application for leave to appeal against sentence

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against sentence is granted.
2. The notice of appeal filed on 23rd September 2023 is deemed to be the notice of appeal.

Reason: The Court was satisfied that the applicant has met the threshold for a grant of leave to appeal.

Case name:

[1] Ricky Morain
[2] Robbie Morain
v
Beverly Whint
(GDAHCVAP2022/0001)
GRENADA

Date: Tuesday, 29th April 2025

On paper:

Appellants/Respondents: Mr. Deloni Edwards

Respondent/Applicant: Mr. Kristopher-Ross Fields

Issues: Application for extension of time

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time for the assessment of the Appellate Costs in these proceedings.
2. The costs of the appeal shall be assessed, if not agreed, within 21 days of the date of the assessment or agreement of damages and costs to be paid in the High Court proceedings.

Reason: The Court considered the principles in which the Court should take into account in exercising its discretion to grant an extension of time as affirmed in the case of *Hyacinth v Joseph* GDAHCVAP2015/0025 (delivered 20th June 2016, unreported) and was of the view that the applicant met the threshold for a grant of extension of time.

Case name: Massy Properties (Trinidad) Ltd.
v
Norab Mansour
(GDAHCVAP2025/0008)
GRENADA

Date: Tuesday, 29th April 2025

On paper:
Applicant: Ms. Melissa Modeste-Singh
Respondent: No appearance

Issues: Application for a stay of execution

Result/Order: IT IS HEREBY ORDERED THAT:
1. The respondent shall file his response to the stay application on or before 20th May 2025, with liberty to the applicant to file any reply thereto within 21 days of the date of filing of the respondent's response.
2. Until further consideration and determination of the stay application on the papers, or until further Order of this Court, the decision of Actie J. in GDAHCV2022/0020 is stayed.
3. No order as to costs.

Reason: The Court was of the view that the application cannot be determined until the respondent files his response, therefore an interim stay was granted, and directions were given for the respondent to file his response to the stay application.

Case name: Gregory Lord
v
Henry Victorin
(SLUMCVAP2024/0002)
SAINT LUCIA

Date: Tuesday, 29th April 2025

On paper:

Applicant: Ms. Mertle John

Respondent: No appearance

Issues: Application for extension of time – Application for service to be deemed proper

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to serve the notice of appeal and the authorisation code on the respondent.
2. The applicant is to serve the respondent personally.
3. The Senior Magistrate is to cause a copy of the decision of the learned magistrate dated 13th November 2024 to be provided to counsel for the applicant within 14 days of the date of this order.
4. The court office shall cause a copy of this order to be served on the Senior Magistrate within 7 days of the date of this order.

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. The Court noted that the applicant in his affidavit in support indicated that the application filed for an extension of time to file the notice of appeal is made in the alternative to the application to deem service as proper and was of the view that the applicant has met the threshold for the grant of an extension of time to serve the notice of appeal and the authorisation code on the respondent.

Case name:

Aloysius Scott
v
Medical Associates Limited
(SLUMCVAP2024/0025)
SAINT LUCIA

Date: Tuesday, 29th April 2025

On paper:

Applicant: Ms. Wauneen Louis-Harris

Respondent: No appearance

Issues: Application for leave to appeal – Application for extension of time to appeal - Application for stay of execution

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal the Order of Master Yuri Saunders dated 6th November 2024 is granted.
2. The applicant shall file and serve a notice of appeal within 21 days of the date of this order.
3. The Order of the Honourable Master Yuri Saunders dated 6th November 2024 be stayed pending the final determination of the appeal.
4. Thereafter, the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.
5. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason: Upon considering rule 62.2(8) of the Civil Procedures Rules (Revised Edition) 2023 and the principles adumbrated in C-Mobile Services Ltd. v Huawei Technologies Co. Ltd. BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) concerning the granting of an application for a stay of execution, the Court was of the view that the applicant met the threshold for a grant of leave to appeal and without a stay of execution, the appeal would be rendered nugatory.

Case name: Hamilton Reserve Bank Limited
v
Greyridge Iron Holdings Incorporated et al
(NEVHCVAP2025/0001)
SAINT KITTS AND NEVIS

Date: Tuesday, 29th April 2025

On paper:

Applicant:	Ms. Kurlyn Merchant
Respondent:	Mr. Errol C. Williams Jr.

Issues: Application for a stay

Result/Order: **IT IS HEREBY ORDERED THAT:**
1. The application for a stay of execution of the order of Thompson J dated 6th December 2024 is granted.

Reason: The Court considered the principles set out in the decision of C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and the circumstances as set out by the applicant, the Court is satisfied that the applicant has adduced cogent evidence that the appeal will be rendered nugatory unless a stay is granted.

Case name: Wayne Chapman
v
The Director of Public Prosecutions
(SKBHCRA2023/0002)
SAINT KITTS AND NEVIS

Date: Tuesday, 29th April 2025

On paper:

Applicant:	In person
Respondent:	Director of public prosecutions

Issues: Application for legal aid

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

1. The applicant be assigned counsel from the legal aid roster of legal practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of the appeal.
2. The Registrar of the High Court shall furnish counsel selected from the roster, with the Record of Appeal.
3. The Registrar shall serve a copy of this order on the appellant within 7 days of the date of this order and provide proof of service thereafter.

Reason: The Court was satisfied that in the interest of justice, the appellant ought to be granted legal aid.

Case name:

**Desue McFarlane
v
The Director of Public Prosecutions
(SKBMCRAP2023/0005)
SAINT KITTS AND NEVIS**

Date: **Tuesday, 29th April 2025**

On paper:

Applicant: **Mr. Craig Tuckett**

Respondent: **Director of public prosecutions**

Issues: **Application for extension of time to file and serve submissions and authorities**

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

- 1. The application for an extension of time for the appellant to file and serve written submissions with authorities is granted.**
- 2. The appellant shall file and serve written submissions with authorities on or before 2nd May 2025.**
- 3. The respondent shall file and serve written submissions with authorities on before 2nd June 2025.**
- 4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 30th June 2025.**
- 5. This appeal will be listed for hearing at a Court of Appeal sitting for the Federation of St. Kitts and Nevis on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason:

The Court considered the principles upon which an extension of time is granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and John Cecil Rose v Anne Marie Uralis Rose SLUHCVAP2011/0013 (delivered 22nd September 2003, unreported) and was of the view that the length of the delay in filing the application for extension of time is not inordinately long and there is likely no prejudice to be suffered by the respondent if an extension of time is granted. Further, the Court was of the view that in the interest of justice and in furtherance with the

overriding objective of the CPR to seek to do justice between the parties, the length of time for the respondent to file and serve written submissions should also be extended.

Case name: [1] Notre Dame Investments Limited
(a registered minority shareholder of BCM INTERNATIONAL LIMITED)
[2] Angela List
v
[1] Rowntry Trading Limited
[2] Paul List
[3] BCM International Limited
(NEVHCVAP2025/0007)
SAINT KITTS AND NEVIS

Date: Tuesday, 29th April 2025

On paper:

Applicant: Mr. Errol C. Williams Jr.

Respondent: 1st respondent in person
Ms. Jean Dyer for the 2nd and 3rd respondents

Issues: Application for leave to appeal – Application for stay

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar shall provide to this Court an affidavit evidencing service of the applicant's notice of application and the authorisation code generated by the NEVHCVAP2025/0007 Chamber Hearing Order dated 29th April 2025 Page 3 of 3 ECSC's E-Litigation Portal on the 1st respondent within 14 days of the date of this order.
2. The application for leave to appeal is adjourned to the next Chamber Hearing of the Court scheduled for 27th May 2025.
3. The application for a stay of the judgment of Justice Patrick Thompson Jr. dated 21st March 2025 is adjourned to the next Chamber Hearing of the Court scheduled for 27th May 2025.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason: The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 as well as the principles of 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 in Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported). The Court was of the view that there was no affidavit of service filed before this Court evidencing service of the notice of application and the authorisation code generated by the ECSC's E-Litigation Portal on the 1st respondent.

Case name: **Ulric Hanson**
v
The King
(SVGHCRAP2024/0022)
SAINT VINCENT AND THE GRENADINES

Date: **Tuesday, 29th April 2025**

On paper:

Applicant: **In person**

Respondent: **Director of public prosecutions**

Issues: **Application for extension of time for leave to appeal**

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

- 1. The Application for an extension of time for leave to appeal against conviction and sentence is granted.**
- 2. The Application for leave to appeal against conviction and sentence is granted.**
- 3. The Notice of Application filed on 23rd March 2025 is deemed to be the notice of appeal.**
- 4. The Registrar of the High Court shall serve a copy of this order on the applicant within 7 days of the date of this order.**

Reason: **The Court was of the view that that the applicant has met the threshold for the grant of an extension of time for leave to appeal and the applicant previously made a prompt application to appeal, however it was not dealt with.**

Case name: **Kenroy Bibby**

v
The King
(SVGHCRA2023/0028)
SAINT VINCENT AND THE GRENADINES

Date: **Tuesday, 29th April 2025**

On paper:

Applicant: **In person**

Respondent: **Ms. Maria Jackson Richards**

Issues: **Application for bail**

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

- 1. The application for bail pending the hearing and determination of the appeal filed on 24th March 2025 is refused.**

Reason: **The Court considered the principles on which bail pending appeal may be granted as enunciated in The State v Lynette Scantlebury (1976) 27 WIR 103 and was of the view that the applicant did not provide any evidence that revealed any exceptional circumstances that justified the granting of bail pending the hearing and determination.**

Case name:

[1] Clint Hazell
[2] Mildred Hazell
[3] Hazeco Cottage Limited
v
Bank of Saint Vincent and the Grenadines
Formerly National Commercial Bank (SVG) Limited
(SVGHC2020/0011)
SAINT VINCENT AND THE GRENADINES

Date: **Tuesday, 29th April 2025**

On paper:

Applicant: **Mr. Joseph Delves**

Respondent: **Mr. Richard Williams**

Issues: **Application to consolidate appeals**

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

1. The notice of application filed on 6th August 2024 is granted.
2. The appeals pending before the Court of Appeal bearing numbers SVGHCVAP2020/0011 and SVGHCVAP2020/0015 shall be consolidated and heard together as one case.
3. Costs in the application shall be costs in the appeal.

Reason: The Court considered that counsel for the parties have agreed to the consolidation of the appeals having signed the notice of application and was of the view that in the circumstances a grant of the application would be in furtherance of the overriding objective of the CPR.

Case name: Arion May
v
The King
(SVGHCRA2024/0007)
SAINT VINCENT AND THE GRENADINES

Date: Tuesday, 29th April 2025

On paper:

Applicant:	In person
Respondent:	Ms. Maria Jackson Richards

Issues: Application for bail

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for bail pending the hearing and determination of the appeal filed on 11th March 2025 is refused.

Reason: The Court considered the principles on which bail pending appeal may be granted as enunciated in *The State v Lynette Scantlebury* (1976) 27 WIR 103 and was of the view that the applicant did not provide any evidence that revealed any exceptional circumstances that justified the granting of bail pending the hearing and determination.

Case name: Department of Customs
v
Malcolm Maduro
(BVIHCVAP2025/0004)
TERRITORY OF THE VIRGIN ISLANDS

Date: Tuesday, 29th April 2025

On paper:

Applicant: Mr. Nicosie Dummett

Respondent: Mr. David Abednego

Issues: Application for leave to appeal – Application for extension of time – Application for stay

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall ensure that the respondent has access to the without notice application filed on 28th February 2025 including all supporting documents.
2. The applicant shall file affidavit evidence in support of the applications filed on 28th February 2025 and 4th March 2025 respectively within 7 days of the date of this order.
3. The respondents shall file written submissions in response to the skeleton arguments of the applicant filed on 28th February 2025 within 21 days of the date on which the applicants have provided the respondent with access to the skeleton arguments.
4. The applicant shall file and serve skeleton arguments in support of the application filed on 4th March 2025 together with list of authorities.
5. The respondents shall file written submissions in response within 14 days of the date of filing of the applicant's submissions, with liberty to the applicant to file any reply thereto on or before 21st January 2025.
6. The application for an extension of time and relief from sanctions is adjourned for further consideration to the next Chamber sitting of the Court scheduled for 24th June 2025.
7. Until the further consideration and determination of the stay application on the papers, or until further Order of this Court, the order of Cenac-Dantes M dated 26th November 2024 is hereby stayed.
8. Costs of the application shall be costs in the appeal.

Reason: The Court considered rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 as well as the principles regarding leave to appeal elucidated in *Othneil Sylvester v Faelleseje*, A Danish Foundation Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and was of the view that the respondents ought to be able to access the without notice application

filed on 28th February 2025 in order to respond to the application for a stay the applicant must also file affidavit evidence in support of the applications filed.

Case name: Icis Malone
v
Road Town Wholesale Limited
(BVIHCVAP2024/0012)
TERRITORY OF THE VIRGIN ISLANDS

Date: Tuesday, 29th April 2025

On paper:
Applicant: Ms. Dancia Penn, KC
Respondent: No appearance

Issues: Application for a stay of execution

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for a stay pending determination of the appeal is refused.
2. The Registrar of the High Court shall serve a copy of this order on the parties and provide proof of service within 7 days of the date of this order.

Reason: The Court considered the principles set out in the decision of C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and was of the view that the circumstances as set out by the applicant, the Court is not satisfied that the applicant has adduced cogent evidence that the appeal will be rendered nugatory unless a stay is granted or that the likely prejudice to the applicant if successful would outweigh any likely prejudice to the respondent if it succeeds on appeal.

Case name: Vincent Tchenguiz
v
[1] Robert Tchenguiz
[2] Geneva Trust Company (GTC) SA
(as Trustee of the Tchenguiz Family Trust)
(BVIHCMAP2025/0008)
TERRITORY OF THE VIRGIN ISLANDS

Date: Tuesday, 29th April 2025

On paper:

Applicant: Ms. Allana J. Joseph

Respondent: Mr. Terrence Mowschenson for the 1st respondent

Issues: Application for a stay of execution

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for a stay pending determination of the appeal is refused.
2. The Registrar of the High Court shall serve a copy of this order on the parties and provide proof of service within 7 days of the date of this order.

Reason: The Court considered the principles set out in the decision of C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and was of the view that the circumstances as set out by the applicant, the Court is not satisfied that the applicant has adduced cogent evidence that the appeal will be rendered nugatory unless a stay is granted or that the likely prejudice to the applicant if successful would outweigh any likely prejudice to the respondent if it succeeds on appeal.

Case name: Tranquility Oasis
V
Spheric Assurance Company Ltd.
(BVIHCMAP2025/0009)
TERRITORY OF THE VIRGIN ISLANDS

Date: Tuesday, 29th April 2025

On paper:

Applicant: Ms. Sara Malik

Respondent: Mr. Terrence Mowschenson for the 1st respondent

Issues: Application for leave to appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is granted.
2. The applicant shall file and serve a notice of appeal within 21 days of the date of this order.
3. Thereafter, the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason:

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 as well as the principles of 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 in *Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited* Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported). The Court was of the view that the applicant has met the threshold test for the grant of leave to appeal.