

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

24th September 2024

MATTERS DEALT WITH ON PAPER

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

Case Name: The Attorney General
v
Anguilla Electricity Company Limited
[AXAHCVAP2024/0001]
(Anguilla)

Date: Tuesday, 24th September 2024

On paper:

Applicant: Ms. Erica Edwards

Respondent: Ms. Jacinth Jeffers

Issue: Application for stay of proceedings

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 15th July 2024 seeking a stay of the proceedings in the court below pending the hearing and determination of the appeal against the order of Moise J delivered on 28th March 2024 is granted.
2. No order as to costs.

Reason: The Court was satisfied that the applicant adduced cogent evidence that the appeal will be rendered nugatory unless a stay is granted; the likely prejudice to the applicant if its appeal is successful would outweigh any likely prejudice

to the respondent if it succeeds on appeal; and that there is a strong likelihood that the applicant will be successful on appeal.

Case Name: Sandra Charlene Butler and Kirk Potter
(Administrators of the Estate of Eustace Potter,
Deceased)

and

1. Keith Hartley
2. Debra Harrigan

and

ABC Caribbean

[ANUHCVAP2024/0020]
(Antigua and Barbuda)

Date: Tuesday, 24th September 2024

On paper:

Applicants:	Mr. Rushaine Cunningham
Respondent:	No appearance

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal the decision of Williams J dated 5th July 2024 is adjourned for oral hearing before the Full Court on a date to be fixed by the Chief Registrar.

Reason: The Court was of the opinion that the circumstances of the case merit an oral hearing before the Full Court.

Case Name: Wilber Oliveros

v
The State

[DOMMCRAP2024/0005]
(Dominica)

Date: **Tuesday, 24th September 2024**

On paper:

Applicant: **Mr. Wayne Norde**

Respondent: **The Director of Public Prosecutions**

Issue: **Application for extension of time to file notice of appeal**

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

- 1. The applicant shall provide to this Court and to the respondent, a copy of the minute of conviction and sentence within 14 days of the date of this order.**
- 2. The application for an extension of time to appeal filed on 25th June 2024 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd October 2024.**
- 3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.**

Reason: **The Court was not furnished with a copy of the applicant's minute of conviction and sentence.**

Case Name: **Jose-Del Carmen Serrada Cassero**
v
The State

**[DOMMCRAP2024/0004]
(Dominica)**

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Mr. Wayne Norde

Respondent: The Director of Public Prosecutions

Issues: Application for extension of time to file of appeal

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

1. The applicant shall provide to this Court and to the respondent, a copy of the minute of conviction and sentence within 14 days of the date of this order.
2. The application for an extension of time to appeal filed on 25th June 2024 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd October 2024.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court was not furnished with a copy of the applicant's minute of conviction and sentence.

Case Name: Yofran Alexander Martinez Martinez
v
The State

**[DOMMCRAP2024/0006]
(Dominica)**

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Mr. Wayne Norde

Respondents: The Director of Public Prosecutions

Issues: Application for extension of time to file notice of appeal

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

1. The applicant shall provide to this Court and to the respondent, a copy of the minute of conviction and sentence within 14 days of the date of this order.
2. The application for an extension of time to appeal filed on 25th June 2024 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd October 2024.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court was not furnished with a copy of the applicant's minute of conviction and sentence.

Case Name: Leslie Emanuel
v
1. Ace Engineering Ltd
2. Anthony Leblanc
[DOMHCVAP2024/0007]
(Dominica)

Date: Tuesday, 24th September 2024

Appearances:
Applicants: Ms. Lisa De Freitas
Respondent: Ms. Dawn Yearwood-Stewart

Issues: Application for extension of time to file notice of opposition and to deem notice of opposition properly filed
- Application for extension of time to file submissions in response

**Result /
Order:**

IT IS HEREBY ORDERED:

1. The application for an extension of time to file the notice of opposition to the appeal and submissions in response to the appeal is granted.
2. The notice of opposition filed on 19th July 2024 is deemed properly filed.
3. The submissions filed by the applicants on 6th August 2024 are deemed properly filed.

Reason:

The Court was of the view that the applicants met the threshold for the grant of an extension of time.

Case Name:

Mervin Marcellin

v

The Police

**[DOMMCRAP2023/0002]
(Dominica)**

Date:

Tuesday, 24th September 2024

Appearances:

Applicant: In person

Respondent: No appearance

Issues:

Application for leave to appeal against conviction and sentence

**Result /
Order:**

IT IS HEREBY ORDERED:

1. The hearing of the application for leave to appeal against conviction and sentence filed on 17th May 2023 is adjourned to the next chamber hearing on 22nd October 2024, to facilitate proof of service on the respondent of the application for leave to appeal.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and the respondent within 7 days of the date of this order and shall provide proof of service thereof.

Reason: There was no proof of service of the application for leave to appeal on the respondent.

Emerson Ricardo Machado Campos

v

The State

**[DOMMCRAP2024/0003]
(Dominica)**

Case Name:

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Mr. Wayne Norde

Respondent: The Director of Public Prosecutions

Issues: Extension of time to file notice of appeal

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

1. The applicant shall provide to this Court and to the respondent, a copy of the minute of conviction and sentence within 14 days of the date of this order.
2. The application for an extension of time to appeal filed on 25th June 2024 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd October 2024.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court was not furnished with a copy of the applicant's minute of conviction and sentence.

Case Name: **Luis Alfredo Machado Campos**
v

The State

**[DOMMCRAP2024/0007]
(Dominica)**

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Mr. Wayne Norde

Respondent: The Director of Public Prosecutions

Issues: Extension of time to file notice of appeal

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

1. The applicant shall provide to this Court and to the respondent, a copy of the minute of conviction and sentence within 14 days of the date of this order.
2. The application for an extension of time to appeal filed on 25th June 2024 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd October 2024.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason: The Court was not furnished with a copy of the applicant's minute of conviction and sentence.

Case Name:

1. Sun Systems Limited
2. Phillip David
3. Sonia David

V

1. Grenada Co-operative Bank Limited
2. Lewis & Renwick (A Firm)
3. Trevor St. Bernard

**(Personal Representative of the Estate of Cosmo
St. Bernard, deceased)**

[GDAHCVAP2024/0009]

(Grenada)

Date: Tuesday, 24th September 2024

Appearances:

Appellants: Mr. Benjamin Hood

Respondents: Ms. Hazel Hopkin-La Touche for the first respondent
Mr. Ian Sandy for the second and third respondents

Issues: Application for security for costs

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

1. The hearing of the applications for security for costs filed by the respondents on 1st August 2024 and 30th August 2024 shall be rescheduled to a date to be fixed by the Chief Registrar.
2. The appellant shall file a response to the respondents' applications for security for costs by 16th October 2024.

Reason: The Court was of the view that the appellants should be afforded an opportunity to respond to the applications for security for costs.

Case Name: Christopher Brathwaite
v
The King

**[GDAHCRAP2024/0006]
(Grenada)**

Date: Tuesday, 24th September 2024

Appearances:

Applicant: In person

Respondent: Mr. Damon Joseph, Office of the Director of Public Prosecutions

Issues: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 25th July 2024 for bail pending the hearing and determination of the appeal is refused.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Office of the Director of Public Prosecutions and shall provide proof of service within 7 days of the date of this order.

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: Christopher Hyacinth
v
Christianna Gibbs
[GDAHCVAP2024/0011]
(Grenada)

Date: Tuesday, 24th September 2024

Appearances:
Appellants: Mr. Ian Sandy
Respondents: No appearance

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve the application for the stay of execution of the order of Glasgow J on the respondent within 14 days of the date of this order and provide proof of service thereafter.
2. The application filed by the applicant on 2nd August 2024 is adjourned for further consideration at the next Chamber sitting of this Court scheduled for 22nd October 2024.

Reason: The Court noted that there was no proof of service of the stay application on the respondent and that the respondent had not filed submissions in response to the application for a stay.

Case Name: Francis Sitney
v
Oswald Orlando Sitney
[GDAHCVAP2023/0017]
(Grenada)

Date: Tuesday, 24th September 2024

Appearances:
Applicants: Mr. Nigel Stewart
Respondent: Mr. Francis K. Paul

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 9th August 2024 for an extension of time to apply for leave to appeal is refused.
2. As a result, the applications filed on 9th August 2024 for leave to appeal, the application for a stay of execution and for consequential orders fall away.

Reason: The Court was of the view that the applicant did not meet the threshold for the grant of an extension of time by

reason of the inordinate delay in excess of a year in filing the leave to appeal application and by his failure to advance adequate reasons for such default.

Case Name: **Jerrol Licorish**
v
The King
[GDAHCRAP2022/0017]
(Grenada)

Date: **Tuesday, 24th September 2024**

Appearances:
Applicant: **Ms. Ruggles Ferguson KC**
Respondent: **The Director of Public Prosecutions**

Issues: **Notice of application to amend notice of appeal**

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

Permission is granted to the applicant to amend his notice of appeal filed on 21st November 2022 to include and argue at the hearing of the appeal the additional ground of appeal as follows:

a. 'The learned judge failed to establish agreed facts prior to sentencing, thus taking into consideration and giving weight to assumed facts adverse and highly prejudicial to the Appellant. Most importantly, the learned judge:

i. Failed to establish whether it was the Appellant or the VC who was the aggressor.

ii. Notwithstanding the failure to establish who was the aggressor, in the face of divergent evidence, the learned judge proceeded to sentence the Appellant on the basis that he was the aggressor.

iii. The learned judge, in the absence of agreed facts, and without any particular process, conducted the sentencing exercise by arbitrarily accepting facts from both sides even where those facts were contradictory of the other.'

2. The applicant shall within 14 days of this order file and serve on the office of the Director of Public Prosecutions an amended notice of appeal setting out the additional ground of appeal.

Reason: The Court noted the application was unopposed by the respondent.

Case Name: Isaac Joseph
v
Matthew Blair
[GDAHCVAP2019/0009]
(Grenada)

Date: Tuesday, 24th September 2024

Appearances:
Applicant: In person
Respondent: In person

Issues: Application to rectify procedural error – Application for relief from sanctions – Application to expedite trial

Result / Order: IT IS HEREBY ORDERED THAT:
The application filed on 20th August 2024 is dismissed.

Reason: The Court noted that the order of the Court dated 13th June 2024 did not impose no sanctions on the applicant and that there was no error that required rectification. The Court was also of the view that the applicant did not provide any reason for expediting the trial.

Case Name: Golden Years Home for the Elderly
v
Ingrid Branford Hughes

**[MNIMCVAP2024/0001]
(Montserrat)**

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Mr. Jean Kelsick

Respondent: Dr. David Dorsett

Issues: Application for stay of execution

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

The order of the Labour Tribunal dated 6th December 2023 awarding compensation to the respondent in the sum of \$104,931.15 is stayed pending the hearing and determination of the appeal.

Reason: The Court, after weighing the competing contentions of the parties outlined in their respective affidavits and submissions was satisfied that in all the circumstances the likely prejudice to the appellant will be greater if a stay of execution was not granted and the payment was made to the respondent as the appellant may face significant difficulty in recovering said payment if the appeal is successful.

Case Name:

1. Digital Security Services Limited

2. Michael Peets

v

**Nevis International Bank Trust Limited
(Formerly Hamilton Reserve Bank Limited)**

**[NEVHCVAP2024/0016]
(Saint Kitts and Nevis)**

Date: Tuesday, 24th September 2024

Appearances:

Applicants: Ms. Angela Cozier

Respondent: No appearance

Issues: Application for leave to appeal

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

1. The application for leave to appeal against the order of Thompson J dated 18th July 2024 is granted.
2. The applicant shall file and serve a notice of appeal within 21 days of this order, i.e. on or before 16th October 2024.
3. The matter shall thereafter proceed in accordance with the CPR.
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 was satisfied that the applicants met the threshold for the grant of leave to appeal.

Case Name: Estate of Linton Liburd SNR, deceased
v
Krysta Liburd-Clarke (in her
capacity as Personal Representative of the
Estate of Herman Liburd
[NEVHCVAP2024/0014]
(Saint Kitts and Nevis)

Date: Tuesday, 24th September 2024

Appearances:
Applicant: Mr. Leon Charles
Respondent: Mr. Errol Williams

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

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The without notice application filed by the applicant on 24th July 2024 for leave to appeal against parts of the order of Thompson J dated 3rd July 2024 and for a stay of the proceedings in the court below shall be set down for hearing by the Full Court on a date to be fixed by the Chief Registrar.

Reason:

The Court was of the view that the application for leave to appeal and the application for a stay of proceedings ought to be heard together.

Case Name:

**Don Ismael
v
The King**

**[SLUHCRA2021/0004]
(Saint Lucia)**

Date:

Tuesday, 24th September 2024

Appearances:

Appellant: Mr. David Francis

Respondent: The Office of Director of Public Prosecutions

Issues:

Application for leave to appeal forma pauperis

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The appellant shall file a certificate of counsel stating that the intended appeal has reasonable grounds of appeal within 14 days of the date of this order.
2. The consideration of the application for leave to appeal in forma pauperis is adjourned to the next Chamber Hearing of this Court scheduled for 22nd October 2024.

Reason: The Court noted that a certificate of counsel that the appellant has reasonable grounds of appeal did not accompany the application and that no grounds of appeal were listed in the appellant's notice of appeal.

Case Name:

**1. Peter Toussaint
2. Terentia Nigel Toussaint-Carroll
3. The Heirs of Thelma Toussaint
v
Peter Michael Barnard
[SLUHCVP2024/0005]
(Saint Lucia)**

Date: Tuesday, 24th September 2024

Appearances:

Applicants:	In person
Respondent:	Mr. V. Theodore KC

Issues: Application for extension of time to file record of appeal and skeleton arguments – Application to amend notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application filed by the appellants on 3rd May 2024 for an extension of time to file the record of appeal and skeleton arguments, is granted.
2. The notice of application filed by the appellants on 3rd May 2024 for permission to amend the notice of appeal is refused.
3. The record of appeal filed on 3rd May 2024 is deemed properly filed.
4. The appellants shall file the skeleton arguments within 21 days of the date of this order, i.e. on or before 16th October 2024.
5. The Registrar of the High Court shall serve a copy of this order on the appellants within 7 days of the date of this order.

Reason: In relation to the application for an extension of time to file the record of appeal and the skeleton arguments, the Court was of the view that in all the circumstances, the greater prejudice would be occasioned to the appellant in refusing the application. In respect of the application for leave to amend the notice of appeal, the court noted that the appellant filed an amended notice of appeal without first obtaining the court's permission to do so; without applying for an order that the amended notice of appeal be deemed to be properly filed; and that neither the application to file an amended notice of appeal nor the supporting affidavit indicated the further grounds of appeal that the appellant proposed to advance.

Case Name: Flavia Cherry
v
Ezekiel Mason
[SLUMCVAP2021/0004]
(Saint Lucia)

Date: Tuesday, 24th September 2024

Appearances:
Applicant: Mr. V. Theodore KC
Respondent: No appearance

Issues: Application to amend grounds of appeal – Application to adduce fresh evidence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall serve on the respondent a copy of the application for leave to amend the grounds of appeal and to adduce fresh evidence within 14 days of the date of this order, i.e. on or before 9th October 2024.
2. The consideration of the application for leave to amend the grounds of appeal and to adduce fresh evidence is adjourned to the next Chamber Hearing of this Court scheduled for 22nd October 2024.

Reason: The Court noted that there was no evidence of service of the application on the respondent who is a litigant in person.

Case Name: Shervon Amorsingh
v
Germain Denbow
[SLUHCVAP2024/0007]
(Saint Lucia)

Date: Tuesday, 24th September 2024

Appearances:
Applicant: Ms. Maureen John-Xavier
Respondent: Ms. Esther Greene Ernest

Issues: Application for appointment of a representative party –
Extension of time to file notice of appeal – Application for
relief from sanctions

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

1. The application for the applicant, Alexandra Amorsingh, to be appointed as a representative party for the appellant for the purposes of maintaining the instant appeal is granted.
2. The application for an extension of time to refile the notice of appeal and to file skeleton arguments is refused.
3. The applicant shall be referred to as “Alexandra Amorsingh (As representative of the Estate of Shervon Amorsingh) appointed by order of court dated 24th September 2024”.
4. The applicant shall serve a copy of this order on the respondent within 7 days of the date of this order.

Reason: The Court noted that there was no evidence of service of the application on the respondent who is a litigant in person.

Case Name: Bally Alexander
v
The King

[SVGHCRA2024/0014]
(Saint Vincent and the Grenadines)

Date: Tuesday, 24th September 2024

Appearances:

Applicant: In person

Respondent: Office of the 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 application filed by the applicant on 17th June 2024 is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions within 14 days of the date of this order and shall provide proof of service thereafter.

Reason: The Court was satisfied that the proposed grounds of appeal disclosed a realistic prospect of success.

Case Name: Eternity Sky Investments Limited
v
Zhang Xiaomin

[BVIHCMAP2024/0016]
(Territory of the Virgin Islands)

Date: Tuesday, 24th September 2024

Appearances:

Applicant: Ms. Marcia MacFarlane

Respondent: No appearance

Issues: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for leave to appeal the decision of Wallbank J dated 5th June 2024 is adjourned for oral hearing before the Full Court on a date to be fixed by the Chief Registrar.

Reason:

The Court considered rule 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023 which provides that if the judge considering an application under rule 62.2(5) is minded to refuse the application for leave, the judge must direct – that an oral hearing be fixed; and whether that oral hearing is to be by a single judge or the court.

Case Name:

Vidatel Limited
v
PT Ventures, SGPS, S.A.

[BVIHCMAP2024/0013]
(Territory of the Virgin Islands)

Date:

Tuesday, 24th September 2024

Appearances:

Respondent/Appellant:

Ms. Colleen Farrington

Applicant/Respondent:

Mr. Oliver Clifton

Issues:

Application for security for costs

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The respondent/appellant shall within 28 days of the date of this order give security for the applicant/respondent's costs of the appeal herein being the sum of US\$600,000.00 by making payment of that sum to the applicant/respondent's legal practitioners to be held in an interest bearing account.
2. The respondent/appellant shall provide evidence of the payment of the sum described at paragraph 1, by filing evidence of the same, on affidavit on or before 23rd October 2024.

3. In default of the payment of the security pursuant to paragraph 1 of this order, the appeal shall be dismissed immediately without further order, with costs of the appeal to the respondent to be assessed.
4. The respondent/appellant shall pay the costs of this application to be assessed by a Commercial Court judge if not agreed within 21 days.

Reason:

The Court considered the principles in *Keary Developments Ltd v Tarmac Construction Ltd* and another [1995] 3 All ER 524 and was of the view that the evidence satisfied the requirements that the respondent/appellant is not likely to pay the costs of the appeal if ordered to do so and that in all the circumstances it was just to make the order for the grant of security for costs.

Case Name:

Liao Chen Toh
v
1. Liao Hwang Hsiang
2. Liao Wen Toh

[BVIHCVAP2024/0014]
(Territory of the Virgin Islands)

Date:

Tuesday, 24th September 2024

Appearances:

Applicant: Mr. William Barnes

Respondents: Ms. Nadine Whyte Laing

Issues:

Application for extension of time for leave to appeal –
Declaration of final order

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The judgment and order of Young J dated 25th July 2024 dismissing the applicant's application for the removal and replacement of the first respondent as administrator of the deceased's BVI estate is a final order for purposes of CPR 62.1(3).
2. The notice of appeal filed on 30th August 2024 is deemed properly filed.

Reason: The Court considered rule 62.1(3) of the Civil Procedure Rules (Revised Edition) 2023 and the authority of Wycliffe Baird v. David Goldgar et al SKBHCVAP2019/0038 (delivered 15th April 2024, unreported) which reaffirms that an order is deemed final if it determines the matter in litigation and was of the view that the order of Young J dated 25th July 2024 is a final order as opposed to an interlocutory order.

Case Name: Sancus Financial Holdings Limited
v
Chad Christopher Holm
[BVIHCMAP2024/0020]
(Territory of the Virgin Islands)

Date: Tuesday, 24th September 2024

Appearances:
Applicant: Ms. Colleen Farrington
Respondent: Ms. Sara Malik

Issues: Application for leave to appeal and stay of execution pending appeal – Application for extension of time to file evidence and submissions in opposition

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed by the respondent on 23rd August 2024 for an extension of time to file submissions in response to the application for leave to appeal and a stay is granted.
2. The submissions filed on 27th August 2024 in opposition to the application for leave to appeal and a stay are deemed properly filed.
3. The hearing of the application for leave to appeal and a stay shall be set down for hearing before the Full Court on a date to be fixed by the Chief Registrar.

Reason: The Court was mindful of rule 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023 ('CPR') and the overriding objective of the CPR to seek to do justice between the

parties and was of the view that it was just that the respondent be granted an extension of time to file submissions in response to the application for leave to appeal and a stay.

Case Name:

1. Tetiana Ieremeieva

2. Roman Yeremeiv

v

1. Estera Corporated Services (BVI) Limited

2. Sergii Lagur

3. Stepan Ivankhiv

4. Sofia Yeremeieva (a minor)

[BVIHCMAP2024/0017]

(Territory of the Virgin Islands)

Date:

Tuesday, 24th September 2024

Appearances:

**Respondents/A
ppellants:**

Mourant Ozannes

**Applicants/Res
pondents:**

Ms. Kimberly Crabbe Adams

Issues:

Application for unless order- Application for security for costs - Declaration of final order

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The judgment and order of Young J dated 25 th July 2024 dismissing the applicant's application for the removal and replacement of the first respondent as administrator of the deceased's BVI estate is a final order for purposes of CPR 62.1(3).**
- 2. The notice of appeal filed on 30th August 2024 is deemed properly filed.**

Reason:

The Court considered rule 62.1(3) of the Civil Procedure Rules (Revised Edition) 2023 and the authority of Wycliffe Baird v. David Goldgar et al SKBHCVAP2019/0038 (delivered 15th April 2024, unreported) which reaffirms that an order is deemed final if it determines the matter in litigation and was of the view that the order of Young J dated

25th July 2024 is a final order as opposed to an interlocutory order.

Case Name:

Ng Min Hong

v

Somarli Lie

[BVIHCMAP2023/0028]

(Territory of the Virgin Islands)

Date:

Tuesday, 24th September 2024

Appearances:

Applicant: Mr. James Noble

Respondent: Mr. Richard Evans

Issues:

Adjournment of appeal hearing

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed on 30th August 2024 seeking an order that Civil appeal no. BVIHCMAP 2023/0028 (the “Valuation Appeal”) listed for hearing in the week commencing on 28th October 2024 be vacated and adjourned to the first available date after civil appeal no. BVIHCMAP2022/0012 (the “Liability Appeal”) is determined is dismissed.**
- 2. Costs shall be costs in the Valuation Appeal.**

Reason:

The Court was satisfied that in the interests of justice, the application for the adjournment of the Valuation Appeal until after the Liability appeal has been determined should be dismissed.