

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

23rd January 2024

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Eddy Ventose, Justice of Appeal

Case Name: Taladro Holdings Venezuela

v

BOI Bank Corporation

**[ANUHCVP2023/0033]
Antigua and Barbuda**

Date: Tuesday, 23rd January 2024

On paper:

Applicant: Dr. David Dorsett

Respondent: No appearance

Issues: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal the judgment of Master Carlos Michel dated 30th August 2023 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.**

Reason: The Court was of the view that the applicant had met the threshold test for grant of leave to appeal.

Case Name: [1] The Minister for Lands
[2] The Attorney General

v

**Robert Newton Garraway as
personal representative of Robert
Alexander Garraway, Deceased by
his Attorneys Annie Marie
Garraway and Michael Anthony
Garraway**

**[DOMHCVAP2023/0013]
Dominica**

Date: Tuesday, 23rd January 2024

On paper:

Applicants: Mrs. Vanica Sobers- Joseph

Respondent: Ms. Danielle A. Wilson

Issues: Application for stay of execution pending appeal

**Result /
Order:** IT IS HEREBY ORDERED THAT:
The application for a stay of execution of paragraph [97] of the judgment of Josiah-Graham J made on 22nd November 2023 pending the determination of the appeal is granted.

Reason: The Court had regard to a draft consent order by

which both parties agreed to the granting of the stay application.

Case Name:

Ryan Strachan

v

The King

**[GDAHCRAP2023/0021]
Grenada**

Date:

Tuesday, 23rd January 2024

On paper:

Applicant: In person

Respondent: No appearance

Issues:

Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file and serve on the office of the Director of Public Prosecutions an affidavit in support of his application clearly stating the grounds upon which he is seeking leave to appeal against his sentence within 14 days of the date of this order in accordance with paragraph 3.**
- 2. The Registrar of the High Court shall file and serve the minute of conviction and sentence of the applicant on the parties within 7 days of the date of this order and shall provide proof of service thereafter.**
- 3. The Registrar of the High Court shall serve a copy of this order on the parties within 7**

days of the date of this order and shall provide proof of service thereafter.

4. The application for leave to appeal against sentence is adjourned for further consideration at the next Chamber hearing of this Court scheduled for 20th February 2024.

Reason:

The Court was of the view that the applicant's ground of appeal, that the sentence was manifestly excessive, was inadequate for the Court to determine whether leave to appeal should be granted. In addition, the minute of conviction and sentence had not been provided.

Case Name:

Elvin Waltris

V

The King

[GDAHCRAP2022/0007]

Grenada

Date:

Tuesday, 23rd January 2024

On paper:

Applicant: In person

Respondent: No appearance

Issues:

Application for bail pending the hearing and determination of the appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for bail filed by the appellant is adjourned for further consideration at the next Chamber hearing of this Court scheduled for 20th February 2024.

Reason:

The Court noted that in a previous order of the Court, the Registrar of the High Court was ordered to file and serve a report outlining the date when the record of proceedings would be made available, on or before 23rd January 2024 which was the same date as the Chamber Hearing. In the circumstances, the application was adjourned to allow for the Registrar's compliance.

Case Name:

Dion Weekes

v

[1] Providence Estate Limited

[2] Owen Rooney

[MNIHCVAP2023/0007]

Montserrat

Date:

Tuesday, 23rd January 2024

On paper:

Applicant:

Mr. Sylvester Carrott

Respondents:

Mr. Owen Rooney on behalf of the 1st and 2nd respondents

Issues:

Application to deem notice of appeal properly filed and served

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Service of the notice of appeal on the first and second respondents respectively is deemed to have taken place on 19th January 2024.**
- 2. The appellant shall forthwith serve on the**

first and second respondent respectively via email, the authorisation forms in respect of this appeal being Claim No. MNIHCVAP2023/0007 so that the first and second respondent respectively shall thereby have the ePortal access authorization codes.

3. The first and second respondent respectively has leave to file a respondent's notice, if so advised, on or before 19th February 2024, that being outside of the 14-day period

Reason:

The parties filed a draft consent order wherein the respondents reached an agreement as to service of the notice of appeal by electronic means and the deemed service of same.

Case Name:

Bank of Nevis International Limited

v

**Selecta Insurance and Reinsurance
Company (Caribbean) Limited**

**[NEVHCVAP2023/0017]
Saint Christopher and Nevis**

Date:

Tuesday, 23rd January 2024

On paper:

Applicant: Ms. Kalisia Marks

Respondent: No appearance

Issues:

**Application for leave to appeal – Application for
stay pending appeal**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the order of Master Pariagsingh dated 13th November 2023.**
- 2. The applicant shall file and serve a notice of appeal within 21 days of the date of this order.**
- 3. A stay of the orders in the judgment of Master Pariasingh dated 13th November 2023 is granted pending the hearing and determination of the appeal.**
- 4. The appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

In relation to the application for leave to appeal, the Court was of the view that the applicant had met the threshold for the grant of leave to appeal. As to the application for a stay, the Court considered that while the respondent was entitled to the fruits of its victory, the appeal would be rendered nugatory if a stay was not granted.

Case Name:

**Bank of Nevis International Trust Services
Inc**

v

Belmont Holdings SKN Limited

**[NEVHCVAP2023/0018]
Saint Christopher and Nevis**

Date:

Tuesday, 23rd January 2024

On paper:

Applicant: Ms. Kalisia Marks

Respondent: No appearance

Issues: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the order of Master Pariagsingh dated 27th November 2023.
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.

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

Case Name: Kawanie Williams

v

The King

[SVGHCRA2021/0005]

Saint Vincent and the Grenadines

Date: Tuesday, 23rd January 2024

On paper:

Applicant:

In person

Respondent:

No appearance

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 29th November 2023 is refused.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and shall provide proof of service within 7 days of the date of this order.**

Reason:

The Court was of the view that the applicant had not provided any evidence which on the authority of The State v Lynette Scantlebury (1976) 27 WIR 103, revealed any exceptional circumstances which had arisen for granting bail pending the hearing and determination of the appeal.

Case Name:

Zackeem Bess

v

Frederick Finlay

[SVGHC RAP2024/0001]

Saint Vincent and the Grenadines

Date:

Tuesday, 23rd January 2024

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

Application for leave to appeal against conviction and sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against conviction and sentence filed on 4th January 2024 is granted.**
- 2. The notice of application for leave to appeal 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 respondent within 7 days of the date of this order.**

Reason:

The Court was of the view that in the circumstances, the application for leave ought to be granted.

Case Name:

Aaron Miller

V

The Commissioner of Police

[SVGMCRAP2024/0001]

Saint Vincent and the Grenadines

Date:

Tuesday, 23rd January 2024

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

Application for an extension of time to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file his notice of application for leave to appeal within 14 days of service of this order pursuant to paragraph 2.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and respondent within 7 days of the date of this order and provide proof of service thereafter.**
- 3. The determination of the application for an extension of time within which to appeal filed on 5th January 2024 is adjourned to the next Chamber Hearing of the Court scheduled for 20th February 2024.**

Reason:

The Court noted that the applicant had not filed his notice of appeal or notice of application for leave to appeal together with his application for an extension of time within which to appeal.

Case Name:

Lionel Hoyte

v

The King

[SVGHCRA2020/0009]

Saint Vincent and the Grenadines

Date: **Tuesday, 23rd January 2024**

On paper:

Applicant: **In person**

Respondent: **No appearance**

Issues: **Application for leave to appeal against sentence**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against sentence filed on 9th April 2020 is granted.**
- 2. The notice of application for leave to appeal 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 respondent within 7 days of the date of this order.**

Reason: **The Court was of the view that in the circumstances, the application for leave ought to be granted.**

Case Name: **Kelon Browne**

v

Kay Barry

**[BVIMCVAP2023/0002]
Territory of the Virgin Islands**

Date: Tuesday, 23rd January 2024

On paper:

Applicant: Creque Global Group

Respondent: No appearance

Issues: Application to amend notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED:

1. The application filed on 11th December 2023 for leave to amend the notice of appeal is granted.
2. The applicant shall file the amended notice of appeal within 14 days of this order.
3. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules Revised 2023.

Reason:

The Court considered that the applicant was unable to access the transcripts due to technical difficulties and was of the view that the amendment of the notice of appeal would not prejudice the respondent.

Case Name:

**Greater Sail Limited
(a company incorporated in the British
Virgin Islands)**

and

**[1] Nam Tai Property Inc
(a company incorporated in the British
Virgin Islands)
[2] Nam Tai Group Limited
(a company incorporated in the**

Cayman Islands)
[3] Nam Tai Investment (Shenzen) Co
Ltd
(a company incorporated in the
People's Republic of China)

[BVIHCMAP2022/0022]
Territory of the Virgin Islands

Date: **Tuesday, 23rd January 2024**

On paper:

Applicant: **Mr. Andrew Emery**

Respondents: **Ms. Ewelina Clyde-Smith**

Issues: **Application for leave to amend notice of appeal**

Result /
Order: **IT IS HEREBY ORDERED THAT:**
The application for permission to amend the notice of appeal filed on 22nd June 2023 is adjourned for further consideration before the Full Court on a date to be determined by the Chief Registrar.

Reason: The Court considered the complex history of the matter and the interconnectivity of the application with other applications made by the applicant in BVIHCMAP2022/0070, BVIHCMAP2022/0071 and BVIHCMAP2022/0072, which judgment was reserved and had not yet been delivered.

Case Name: **Victoria Fetaimia**
Appellant/Respondent
v

**[1] Albert Court (Westminster)
Management Company Limited**

Applicant/First Respondent

**[2] Dondore Incorporated (In
Liquidation)**

Second Respondent

[BVIHCMAP2020/0018]

Territory of the Virgin Islands

Date: Tuesday, 23rd January 2024

On paper:

**Applicant/ 1st
Respondent:**

Mr. Jonathan Addo

Respondent/Appellant: In person

2nd Respondent:

No appearance

Issues:

**Application for a stay – Application to amend
application - Unless order**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted permission to amend its application to include the insertions as underlined and highlighted in red.**
- 2. The appellant, Victoria Fetaimia, is at liberty to file submissions in support of her response to the application herein, if necessary, on or before 2nd February 2024.**
- 3. The amended application filed on 16th January 2024 is adjourned for further consideration to the next sitting of the Full Court in the Territory of the Virgin Islands scheduled for the week commencing 12th February 2024.**

Reason: The Court was of the view that in the circumstances the proposed amendments were not extensive and would not cause prejudice to the appellant/respondent if the amendments were permitted. In addition, the Court was of the view that the application ought to be ventilated before the Full Court.

Case Name: Golden Meditech Stem Cells (BVI) Co. Ltd
v
[1] Blue Ocean Creation Investment Hong Kong Limited
[2] Blue Ocean Structure Investment Company Ltd.
[BVIHCMAP2023/0022]
Territory of the Virgin Islands

Date: Tuesday, 23rd January 2024

On paper:

Applicant: Ms. Reisa L. Singh

Respondents: Mr. Richard Baird

Issues: Application for an extension of time to serve notice of appeal – Notice of appeal and ancillary documents be deemed properly served

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to serve the notice of appeal and ancillary documents on the respondents is granted.
2. The notice of appeal and all other ancillary

documents served on the respondents on 11th January 2024 are deemed to be properly served.

Reason:

The Court was of the view that the delay in serving the notice of appeal and ancillary documents was not inordinate; the applicant had shown good chances of the appeal succeeding; and there was likely to be little to no prejudice to the respondents if the application were to be granted.