

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

Tuesday 31st January 2023

**MATTERS DEALT WITH ON PAPER
The Hon. Mde. Gertel Thom, Justice of Appeal**

Before:

Case Name:

Angela L.G. Dickinson

v

Aidan McCauley

**[ANUHCVP2022/0021]
Antigua and Barbuda**

Date:

Tuesday 31st January 2023

On paper:

Applicant: Mr. Andrew O O’Kola

Respondent: No appearance

Issues:

Application for an extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant’s application for an extension of time to file an affidavit and skeleton submissions in support of the application for leave to appeal is granted.

2. The applicant shall file and serve an affidavit and skeleton submissions in support of the application for leave to appeal on or before 14th February 2023.

3. The applicant shall file and serve a copy of the order of Byer J made on 14th October 2022 on or before 14th February 2023.

4. The application for leave to appeal against the order of Byers J made on 14th October 2022 is adjourned to be heard on 14th February 2023.

Reason:

The Court upon considering the principles on which an extension of time is granted namely: the length of the delay; the reasons for delay; the chances of the appeal succeeding if the extension is granted; and the degree of prejudice if the application is granted, and rule 26.1(2)(k) of the Civil Procedure Rules 2000, was of the view that the applicant had met the requirements for the grant of an extension of time.

Before:

The Hon. Mde. Gertel Thom, Justice of Appeal

Case Name:

1. JSN Development Group Limited
2. HBC1 Properties Limited

v

1. Global Bank of Commerce Limited

2. Brian Stuart-Young

[ANUHCVP2022/0025]

Antigua and Barbuda

Date:

Tuesday, 31st January 2023

On paper:

Appellant/Applicant: Mr. Andrew O O’Kola

Respondent: Mr. Jason Tiwari

Issues:

Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for a stay of the order of Drysdale J dated 12th December 2022 is granted until the hearing and determination of the appeal.

Reason:

The Court upon considering the principles on which a stay is granted as enunciated in C- Mobile Services Limited v Huawei Technologies Co Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported), including (i) the party seeking a stay must provide cogent evidence that its appeal will be stultified or rendered nugatory unless a stay is granted; (ii) the exercise of the court's discretion to grant a stay will depend on all the circumstances of the case, and (iii) the essential question is whether there is a risk of injustice to one or both parties if a stay is granted or refused, and upon being mindful that cogent evidence was provided in support of a stay and that there would be a risk of injustice to the appellant if the stay was not granted, granted the stay of execution.