

**THE EASTERN CARIBBEAN SUPREME
COURT
COURT OF APPEAL**

CHAMBER HEARING

28th June 2022

MATTERS DEALT WITH ON PAPER

The Hon. Mr. Mario Michel, Justice of Appeal

Before:

Case Name:

[1] Damien Gangadeen

[2] Steve Gangadeen

and

Sheldon Straker

[GDAHCVAP2021/0010]

Grenada

Date:

Tuesday 28th June 2022

On paper:

Applicants: **Mr. Benjamin D. Hood**

Respondent: **Ms. Hazel B. Hopkin**

Issues:

Application for an extension of time within which to file notice of appeal- Application for an order that notice of appeal be deemed properly filed

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for an extension of time for filing a notice of appeal against the decision of Actie J dated 5th March 2021 and for the intended notice of appeal filed on 20th April 2021 to be deemed properly filed is dismissed.

Reason:

The Court was of the view that: the delay of 10 months and 10 days between the filing of the intended notice of appeal and the application for an extension of time was inordinate; that there was no proper excuse for the delay, counsel for the applicants were notified as early as 22nd July 2021 that the intended notice of appeal was filed out of time; that the applicants sought to challenge the trial judge's findings of fact, but there were no real prospects success of the appeal; and that the respondent would be prejudiced if the extension was granted, in that damages had already been assessed and enforcement proceedings had already been instituted.