

TELECONFERENCE
TERRITORY OF THE VIRGIN ISLANDS
5th May 2016

APPLICATION AND APPEAL

Case Name: Yusuf Manji
v
Millicom (Tanzania) NV
[BVIHCMAP2016/0017]

Before: The Hon. Dame Janice M. Pereira, DBE, Chief Justice

Appearances:

Appellant:	Mr Robert Levy, QC with him Mrs Jennifer Fox
Respondent:	Mr David Welford

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

Result / Order: [Oral delivery]

1. The appellant is hereby granted leave to appeal the order of Bannister J made on 25th April 2016.
2. The appellant shall file and serve his notice of appeal by 4 p.m. on Monday, 9th May 2016.
3. The substantive hearing of the appeal shall take place by video conference unless ordered otherwise on Tuesday, 24th May 2016 commencing at 9 a.m.
4. The substantive hearing of the appellant's application for a stay of the order (the "Stay Application") shall be heard on Tuesday, 24 May 2016.
5. The appellant shall file and serve submissions in support of the appeal by 4 pm on 11th May 2016.
6. The respondent shall file and serve written submissions and any affidavit evidence on the appeal by 4 pm on 18th May 2016.

7. The appellant is at liberty to file and serve reply submissions and affidavit evidence on the appeal by 4 pm on 20th May 2016.
8. In respect of the stay application, the respondent shall file and serve its submissions and affidavit evidence by 4 pm on 18th May 2016.
9. In respect of the stay application, the appellant is at liberty to file and serve reply submissions and affidavit evidence by 4 pm on 20th May 2016.
10. Disclosure is to be made by the appellant by 4 pm on Tuesday, 10th May 2016 pursuant to the disclosure order made by Bannister J on 25th April 2016 only to the extent that all documents are to be filed with the court in a sealed envelope pending the outcome of the stay application or the appeal which ever happens earlier. Such disclosure is to be made to the Registrar of the Commercial Division in the Virgin Islands.
11. The appellant do pay the respondent's costs of this hearing to be assessed if not agreed within 14 days.

Reason:

The appellant satisfied the threshold for leave to appeal.

In relation to the stay, the Court was of the view that the respondent was short served. The order of Bannister J was made on 25th April 2016; the appellant filed submissions on 3rd May 2016 and served the respondent on 4th May 2016. As a consequence, the respondent was unable to file any submissions. The Court opined that it was imperative to have the benefit of both parties' submissions.