

CHAMBER HEARING

December 2015

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mr. Mario Michel, Justice of Appeal
Case Name:		Antigua and Barbuda Transport Board v Anderson Carty [ANULTAP2015/0006] (Antigua and Barbuda)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall comply with the order of Thom JA by filing the order sought to be appealed within 14 days of the date of this order. 2. Consideration of the application for leave to appeal is further adjourned to the next chamber sitting of this Court scheduled for 21st January 2016.
Reason:		The Court noted that the order filed with the affidavit of Anthea Joseph was not the order sought to be appealed and that no copy of this order had been filed by the applicant as previously ordered by Thom JA.

Case Name:		Antigua and Barbuda Transport Board v James Sebastian [ANULTAP2015/0007] (Antigua and Barbuda)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall comply with the order of Thom JA by filing the order sought to be appealed within 14 days of the date of this order. 2. Consideration of the application for leave to appeal is further adjourned to the next chamber sitting of this Court scheduled for 21st January 2016.
Reason:		The Court noted that the order filed with the affidavit of Anthea Joseph was not the order sought to be appealed and that no copy of this order had been filed by the applicant as previously ordered by Thom JA.
Case Name:		Antigua and Barbuda Transport Board v Anique Francis [ANULTAP2015/0008] (Antigua and Barbuda)
Date:		Monday, 21st December 2015

On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall comply with the order of Thom JA by filing the order sought to be appealed within 14 days of the date of this order. 2. Consideration of the application for leave to appeal is further adjourned to the next chamber sitting of this Court scheduled for 21st January 2016.
Reason:		The Court noted that the order filed with the affidavit of Anthea Joseph was not the order sought to be appealed and that no copy of this order had been filed by the applicant as previously ordered by Thom JA.
Case Name:		Myrna Norde v Jacqueline Mannix (As Personal Representative of the Estate of Henry Alford Mannix) [ANUHCVP2015/0034] (Antigua and Barbuda)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Ralph A. Francis
Issue:		Application for leave to appeal
Result / Order:		IT IS ORDERED THAT: The application for leave to appeal the order of Cottle J

		dated 21 st August 2015 is fixed for hearing by the Full Court at its next sitting in Antigua and Barbuda during the week commencing 14 th March 2016.
Reason:		The Court noted that the applicant had not complied with the order of Thom JA dated 1 st December 2015, in that the application filed on 14 th December 2015 was filed outside of the time ordered by Thom JA and was stated to be an application for leave to file an appeal out of time instead of an application for an extension of time to file the application for leave to appeal. The Court was therefore minded to refuse leave and acted in accordance with rule 62.2 of the Civil Procedure Rules 2000.
Case Name:		Elaine Pringle-Toulon Lease Enterprises Ltd v Ayanna Pringle Letitia Butler [DOMHCVAP2015/0021] (Commonwealth of Dominica)
Date:		Monday, 21 st December 2015
On paper:		
	Applicants:	Mr. Henry M. Shillingford
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicants to amend the notice of application for leave to appeal filed on 9th December 2015 to include the grounds of the application for leave, and to file an affidavit in support of the application. 2. The amended notice of application and the affidavit in support are to be filed by the applicants on or before

		5 th January 2016. 3. Consideration of the application for leave to appeal is adjourned to the next chamber sitting of this Court scheduled for the 21 st day of January 2016.
Reason:		The Court noted that there were no grounds for the application contained in the notice of application. The Court was of the view that what was referred to in the notice as “the grounds of the application” may be grounds of appeal, but they were certainly not grounds for an application for leave to appeal. Further, no affidavit was filed in support of the application for leave to appeal.
Case Name:		Time Bourke Holdings (Grenada) Limited v Issa Nicholas (Grenada) Limited [GDAHCVAP2015/0029] (Grenada)
Date:		Monday, 21 st December 2015
On paper:		
	Applicant:	Mr. Ruggles Ferguson (Ciboney Chambers)
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to appeal against the order of Adrien-Roberts J dated 8 th October 2015. 2. Notice of appeal shall be filed by the applicant within 21 days of the date of this Order.
Reason:		The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal

Case Name:		The Attorney General of Grenada Chief Immigration Officer v Sebastian Isaac Maria Ytterholm [GDAHCVAP2015/0028] (Grenada)
Date:		Monday, 21st December 2015
On paper:		
	Applicant/ Appellant:	Mr. Dwight Horsford, Solicitor General
	Respondent:	Ms. Sabrita Khan-Ramdhani (Ramdhani & Associates)
Issue:		Application for directions
Result / Order:		IT IS HEREBY ORDERED THAT: Hearing of the appeal is fixed for the next sitting of the Court of Appeal in Grenada during the week commencing 25th January 2016.
Case Name:		Valma Jessamy v Grenada Co-operative Bank Limited [GDAHCRAP2015/0031] (Grenada)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Jerry C. Edwin

	Respondent:	Ms. Deborah St. Bernard (Lewis & Renwick)
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for leave to appeal the order of Adrien-Roberts J made on 6 th October 2015 is fixed for hearing by the Full Court at its next sitting in Grenada during the week commencing 25 th January 2016.
Reason:		The Court was minded to refuse the application for leave to appeal and therefore acted in accordance with rule 62.2 of the Civil Procedure Rules 2000.
Case Name:		Priscilla Williams v Wendell Lee [MNILTAP2015/0001] (Montserrat)
Date:		Monday, 21st December 2015
On paper:		
	Applicant / Appellant:	Mr. Sylvester Carrott
Issue:		Application to state a case
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The appeal to the Court by way of case stated is fixed for hearing at the next sitting of the Court of Appeal in Montserrat during the week commencing 14 th March 2016. 2. Both parties are to comply with the requirements of Part 61 of the Civil Procedure Rules 2000.

Case Name:		First Fidelity Deposit Corporation v [1] Andrew Michael Austin Titley [2] Judith Ann Bruton Titley [3] Caribbean Trust Company [SKBHCVAP2015/0031] (Federation of Saint Christopher and Nevis)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Ms. Midge A. Morton (Morton Robinson, L.P)
	Respondent:	Myrna R. Walwyn & Associates
Issues:		Application for leave to appeal – Application for stay pending determination of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to appeal against the judgment of Williams J dated 6th November 2015. 2. Notice of appeal shall be filed by the applicant within 21 days of the date of this order. 3. The application for a stay pending the determination of an appeal against the judgment is refused.
Reason:		The Court was satisfied that the applicant had met the requirements for the grant of leave to appeal, but noted that no attempt was made by the applicant to satisfy the Court that the requirements for the grant of a stay of the judgment had been met.
Case Name:		Applewaite Lake v [1] Barbara Hardtman

		[2]Laughton Browne [3]Kirtley Hardtman [SKBHCVAP2015/0024] (Federation of Saint Christopher and Nevis)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Glenford Hamilton (Hamilton & Co)
	Respondent:	Mr. John Cato (Chancery Associates) on behalf of Dr. Henry Browne, QC (Hardtman & Associates)
Issue:		Application for leave to appeal – Application for stay of execution – Application by respondent to strike out
Result / Order:		IT IS HEREBY ORDERED THAT: Hearing of the applications is fixed for determination by the Full Court at its next sitting in Saint Christopher and Nevis during the week commencing 6th June 2016.
Reason:		The Court acted in accordance with rule 62.2 of the Civil Procedure Rules 2000.
Case Name:		Judith Ann Bruton Titley v [1] First Fidelity Deposit Corporation [2] Andrew Michael Titley [3] Caribbean Trust Company (Nevis) Ltd [SKBHCVAP2015/0014] (Federation of Saint Christopher and Nevis)
Date:		Monday, 21st December 2015
On paper:		

	Applicant:	Ms. Kalisia Isaacs (Myrna R. Walwyn & Associates)
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to appeal against the order of Williams J dated 4 th June 2015. 2. Notice of appeal shall be filed by the applicant within 21 days of the date of this order.
Reason:		The Court was satisfied that the applicant had met the requirements for the grant of leave to appeal.
Case Name:		Terentia Nigel Toussaint and the Heirs of Thelma Toussaint v [1]The Attorney General [2]Hon Stanley Felix, The Minister responsible for the administration of the Land Registration Act in respect of Land Registration Act Section 35; [3]Gemyma Norville Registrar of Lands [SLUHCVAP2015/0028] (Saint Lucia)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
	Respondent	Ms. Brender Portland Reynolds, Solicitor General
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERD THAT:

		Consideration of the application for leave to appeal the order of Belle J is adjourned to the next Chamber Hearing of this Court scheduled for 21 st January 2016.
Case Name:		Stephen Delaire Brian Delaire Lorraine Delaire All by their duly constituted Attorney Larie Dulaire v Dominique Fassal [SLUHCVAP2015/0025] (Saint Lucia)
Date:		Monday, 21 st December 2015
On paper:		
	Applicant:	Mr. Gerard R. Williams (The Law Offices of Gerard Williams)
	Respondent:	Mr. Horace Fraser (Fraser & Company)
Issue:		Application for an extension of time to file an application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: An extension of time is granted to the applicants to make application for leave to appeal the orders of Astaphan J [Ag.] dated 4th and 11th November 2013 within 14 days of the date of this order.
Reason:		The Court was satisfied that the applicants had met the requirements for the grant of an extension of time to apply for leave to appeal the orders of Astaphan JA made on 4 th and 11 th November 2013.

Case Name:		Dwayne Stephens v The Queen [SVGHC RAP2015/0007] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: An extension of time is granted to the applicant until 1st February 2016 to appeal against his sentence handed down by Latchoo J on 26th May 2015.
Reason:		The Court noted the order made by Thom JA on 19th November 2015 and the warrant of commitment dated 8th June 2015 and was satisfied that the applicant had met the requirements for the grant of an extension of time.
Case Name:		Kimron Neverson v The Queen [SVGHC RAP2015/0009] (Saint Vincent and the Grenadines)

Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: An extension of time is granted to the applicant until 1st February 2015 to appeal against his sentence handed down by Latchoo J on 26th May 2015.
Reason:		The Court was satisfied that the requirements for the grant of an extension of time to appeal had been met.
Case Name:		Andre John v The Queen [SVGHCRA2015/0008] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT:

		An extension of time is granted to the applicant to appeal against his sentence handed down by Latchoo J on 26 th May 2015.
Reason:		The Court was satisfied that the applicant had met the requirements for the grant of an extension of time to appeal.
Case Name:		Elton Andrews v The Commissioner of Police [SVGMCRAP2015/0046] (Saint Vincent and the Grenadines)
Date:		21st December 2015
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for an extension of time within which to appeal is refused.
Reason:		The Court noted the order of Thom JA dated the 19 th day of November 2015 and the minute of conviction and sentence filed on 15 th December 2015. The Court was not of the opinion that the applicant had met the requirements for an extension of time within which to appeal.
Case Name:		Alaskie Samuel

		V The Commissioner of Police [SVGMCRAP2015/0048] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for an extension of time to appeal against the conviction and/or sentence of the applicant is refused.
Reason:		The Court noted that there were no reasons advanced as to why an appeal had not been filed by the applicant within the time limited for doing so over one year ago.
Case Name:		Lorraine A. Cato V Gracelyn Cloreth Cato nee Peters [SVGHCVAP2015/0019] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Jaundy O. Martin (Phronesis Chambers)
Issues:		Application for extension of time to appeal – Application for stay of execution

Result / Order:		IT IS HEREBY ORDERED THAT: 1. An extension of time is granted to the applicant until 21 st January 2016 to appeal against the judgment of Lanns J [Ag.] dated 29 th April 2015. 2. The application for a stay of execution of the judgment is refused.
Reason:		The Court was satisfied that the applicant had met the requirements for the grant of an extension of time to appeal, but no attempt was made by the applicant to satisfy the Court that the requirements for the grant of a stay of execution of the judgment had been met.
Case Name:		East Caribbean Flour Mills Limited Caricom Rice Mills Limited v Peter Alexander Geoffrey Gregory Floyd Patterson Marcus Hatch Philip Atkinson Stephen Jardine Michael Boyce Douglas Newsam Davide Lisle Chase Lindel Nurse Colin Dathorne Grenville Phillips Joyce Dear Kieron Pinard-Bryne Wayne Fields Harold Tryhane (Formerly and at the material times carrying on business as Accountants and Auditors and as a Firm under the trade name Coopers & Lybrand) [SVGHCVP2015/0020]

		(Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	Mr. Lorenze Alvin Douglas Williams in association with Mr. Barry L.V. Gale, QC and Ms. Leodean Worrell
	Respondents:	Mr. G. Grahame Bollers (Regal Chambers) for the Second to Sixteenth Respondents
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicants to appeal against the decision of Master Taylor-Alexander delivered on 21st October 2015. 2. Notice of appeal shall be filed by the applicants within 21 days of the date of this order.
Reason:		The Court noted that there had been compliance with the order of Thom JA and was satisfied that the requirements for the grant of leave to appeal had been met.
Case Name:		Edwin Cain v The Commissioner of Police [SVGMCRAP2015/0056] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant on or before 11th January 2015. 2. Hearing of the application for extension of time to appeal is adjourned to the next chamber sitting of this Court on 21st January 2015.
Reason:		The Court noted that there was not sufficient information on the basis of which the Court can determine an application for extension of time to appeal.
Case Name:		Collin David v The Queen [SVGHCVAP2015/0024] (Saint Vincent and the Grenadines)
Date:		Monday, 21 st December 2015
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for bail
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The respondent is directed to file an affidavit containing information as to the charge(s) in respect of which the applicant is on remand, the date of his remand and the reason why his trial has not commenced or been completed.

		2. The respondent's affidavit is to be filed and served within 14 days of the date of this order. 3. Hearing of the application is adjourned to the next Chamber Hearing of this Court scheduled for 21st January 2016.
Case Name:		Dwayne Sandy v The Queen [SVGHCVAP2015/0023] (Saint Vincent and the Grenadines)
Date:		Monday, 21st December 2015
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for bail
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The respondent is directed to file an affidavit containing information as to the charge(s) in respect of which the applicant is on remand, the date of his remand and the reason why his trial has not commenced or been completed. 2. The respondent's affidavit is to be filed and served within 14 days of the date of this Order. 3. Hearing of the application is adjourned to the next Chamber Hearing of this Court scheduled for 21st January 2016.

Case Name:		[1]Sheikh Mohamed Ali Alhamrani [2]Sheikh Siraj Ali Alhamrani [3]Sheikh Khalid Ali Alhamrani [4]Sheikh Mohamed Ali Alhamrani (as representative of the late Sheikh Abdulaziz Ali Alhamrani) [5]Sheikh Ahmed Ali Alhamrani [6]Sheikh Fahad Ali Alhamrani v Sheikh Abdullah Ali Alhamrani [BVIHCMAP2013/0005] (Territory of the Virgin Islands)
Date:		Wednesday, 23 rd December 2015
On paper:		
	Applicant / Respondent:	Ms. Lucy Hannett (Walkers)
	Respondent / Appellant:	Harney Westwood & Riegels
Issue:		Application for assessment of costs
Result / Order:		IT IS HEREBY ORDERED THAT: The application for assessment of costs in Civil Appeal BVIHCVAP2013/0005, filed by the applicant on 11th November 2015 is remitted to the High Court to be determined by the High Court at the same time as the costs in claim number BVIHC (Com)2011/0089.
Reason:		The Court noted that that the assessment of the costs due to the applicant in claim number BVIHCM2011/0089 is set to be heard by the Commercial Division of the High Court on 27th to 30th June 2016.

Case Name:		Daphne Gumbs v The Administrator of the Estate of James Fahie, deceased Franke Fahie, the Administrator of Estate James Howard Fahie, deceased [BVIHCVAP2015/0016] (Territory of the Virgin Islands)
Date:		Wednesday, 23rd December 2015
On paper:		
	Applicant:	Charmaine R. Rosan-Bunbury (Rosan Law)
Issues:		Application for extension of time to appeal – Application stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for an extension of time within which to appeal the judgment of Ellis J is refused. 2. The notice of appeal against the judgment of Ellis J is declared to be a nullity. 3. The application for stay of execution of the judgment of Ellis J is refused.
Reason:		The Court was of the view that leave was required to appeal against the order striking out the applicant's defence and the orders made consequential thereon, and there was no application for leave to appeal. The Court was also of the view that the applicant had not in any event met the requirements for the grant of an extension of time for leave to appeal.