

TELECONFERENCE
ANTIGUA AND BARBUDA
Tuesday, 1st December 2015

APPLICATION AND APPEAL

Case Name:

**Myrna Norde
v
Jacqueline Mannix
(As Personal Representative of the Estate of
Henry Alford Mannix)**

**[ANUHCVAP2015/0034]
(Antigua and Barbuda)**

Before:

The Hon. Mde. Gertel Thom

Appearances:

Applicant: Mr. Ralph A. Francis

Issue:

Application for leave to appeal – Order made on 21st August 2015 and entered on 21st September 2015 – Application for leave to appeal made on 5th October 2015 – Whether application for leave to appeal was made in time

Result / Order:

IT IS HEREBY ORDERED THAT

- 1. Leave is granted to the applicant to make an application for an extension of time to file the application for leave to appeal the order of Cottle J made on 21st August 2015 and entered on 21st September 2015.**
- 2. The application is to be filed within 7 days of this order.**
- 3. The hearing of the application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.**

Reason:

The application before the Court was an application for

leave to appeal an order given on 21st August 2015 and entered on 21st September 2015. The application for leave was made on 5th October 2015. The Court was of the view that the application was made outside of the time to file an application for leave to appeal. The Court noted that the application ought to have been filed within 14 days of the date the order was given as a judgment or order takes effect from the day it is given or made, unless the court specifies that it is to take effect on a difference date (see rule 42.8 of the Civil Procedure Rules 2000). Accordingly, noting that the applicant had not complied with CPR 62.2(1) and that the applicant had made no application for an extension of time, the Court granted the applicant leave to make an application for an extension of time to file the application for leave to appeal the order made on 21st August 2015.