

TELECONFERENCE

TERRITORY OF THE VIRGIN ISLANDS

Thursday, 10th October 2013

APPLICATION AND APPEAL

Case Name:

[1] Maruti Holdings Pte Limited

v

[1] Sinclair Strategies Limited

[2] Mick Cahill

[3] Peter Moltoni

[BVIHCMVAP2013/0015]

(Territory of the Virgin Islands)

Before:

The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal

Appearances:

Applicant:

Mr. Brian Lacy

Respondent:

Mr. Oliver Clifton for the first and third respondents

Mr. Richard Brown for second respondent

Issues:

Application for leave to appeal – Application for stay of execution

Result / Order:

[Oral delivery]

- 1. The applicant does have permission to appeal to the Court of Appeal from the order of Mr. Justice Bannister, QC [Ag.] dated 17th July 2013.**
- 2. The applicant be entitled to file its notice of appeal upon, but not before:**
 - (a) the payment to the respondents of the costs due to them pursuant to paragraph 3 of the order; and**
 - (b) the payment to the respondents of the costs due to them pursuant to paragraph 4 of the order, as assessed or agreed between the**

parties.

3. Costs of the leave application are costs in the appeal.
4. The costs of the stay application:
 - (a) of the second respondent are to be paid by the applicant and are summarily assessed in the sum of \$1,500.00;
 - (b) of the first and third respondents are to be paid by the applicant in a sum to be assessed if not agreed.
5. Liberty to apply.

Reason:

The applicant satisfied the threshold requirements for the grant of leave to appeal.