

**COURT OF APPEAL SITTING**  
**TERRITORY OF THE VIRGIN ISLANDS**  
**2<sup>nd</sup> – 12<sup>th</sup> July 2013**

**APPLICATIONS AND APPEALS**

**Case Name:**

**Sheikh Abdullah Ali Alhamrani**  
**V**  
**[1] Sheikh Mohammed Ali Alhamrani**  
**[2] Sheikh Siraj Ali Alhamrani**  
**[3] Sheikh Khalid Ali Alhamrani**  
**[4] Sheikh Mohammed Ali Alhamrani**  
**(as representative of the late Sheikh Abdulaziz**  
**Ali Alhamrani)**  
**[5] Sheikh Ahmed Ali Alhamrani**  
**[6] Sheikh Fahad Ali Alhamrani**

**[BVIHCVAP2013/0005]**

**Date:**

**2<sup>nd</sup> – 9<sup>th</sup> July 2013**

**Coram:**

**The Hon. Mde. Louise E. Blenman, Justice of Appeal**  
**The Hon. Mr. Mario Michel, Justice of Appeal**  
**The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

**Appearances:**

**Appellants:** **Ms. Elizabeth Jones, QC, with her, Mr. Simon Hattan**  
**(instructed by Walkers)**

**Respondents:** **Mr. Victor Joffe, QC, with him, Mr. Lynton Tucker, Mr.**  
**James Brightwell and Ms. Colleen Farrington**  
**(instructed by Harneys)**

**Issues:**

**Civil appeal – Private international law – Sharia law –**  
**Saudi Arabian conglomerate – One of the business**  
**assets held through a BVI company – All assets held**  
**in Sharia shares – Buy/Sell agreement made in Saudi**  
**Arabia relating to all jointly held assets – BVI**  
**company not included in a list of the jointly held**  
**assets valued – Dispute arising whether the shares in**

the BVI company were included in the sold assets –  
Expert evidence on Sharia law accepted by judge –  
Whether judge right to hold agreement was not  
ambiguous – Judgment of the Saudi Board of  
Grievances – Whether that judgment final – Whether  
issue res judicata

**Result / Order:**

Judgment is reserved in the matter. The parties are to  
file and exchange written submissions within 14 days  
on the issue of costs, together with electronic copies  
to the Chief Registrar.

**Case Name:**

**Chemtrade Limited**  
**V**  
**[1] Fuchs Oil Middle East Limited**  
**[2] Fuchs Petrolub AG**  
**[BVIHCVAP2013/0004]**

**Date:**

**9<sup>th</sup> (afternoon) – 11<sup>th</sup> July 2013**

**Coram:**

**The Hon. Mde. Louise E. Blenman, Justice of Appeal**  
**The Hon. Mr. Mario Michel, Justice of Appeal**  
**The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

**Appearances:**

**Appellant:**

**Mr. Victor Joffe, QC, with him, Mr. Lynton Tucker, Mr.**  
**James Brightwell and Ms. Colleen Farrington**  
**(instructed by Harneys)**

**Respondents:**

**Mr. George Bompas, QC with Messrs. Adam Holliman**  
**and Jerry Samuel**  
**(instructed by Conyers Dill and Pearman)**

**Issues:**

**Civil appeal – Commercial law – Unfair prejudice – BVI**  
**Business Companies Act, 2004 as amended –**  
**Whether the learned judge correctly exercised his**  
**discretion in ordering that the company's articles of**  
**association be amended – Business Administration**

**Order – Whether Purchase Order was more appropriate remedy**

**Result / Order:**

**Decision reserved pending receipt of the submissions of both counsel. The appellant having handed up supplemental speaking notes in its reply closing submissions, the Court directed that:**

- a) the respondents file and serve written submissions in relation to fresh evidence within 14 days of the date hereof;**
- b) the appellant file and serve a response within 7 days; and**
- c) the parties file and exchange submissions as to costs within 14 days of the date hereof.**

**Case Name:**

**Delta Petroleum (Caribbean) Limited**

**V**

**Commissioner of Customs**

**[BVIHCVAP2012/0008]**

**Date:**

**Thursday, 11<sup>th</sup> July 2013 (afternoon)**

**Coram:**

**The Hon. Mde. Louise E. Blenman, Justice of Appeal  
The Hon. Mr. Mario Michel, Justice of Appeal  
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

**Appearances:**

**Appellant /  
Applicant:**

**Mr. Terrance Neale**

**Respondent:**

**Ms. Kaidia Edwards-Alister**

**Issues:**

**Urgent application for appeal listed for September 2013 Court of Appeal sitting in Territory of the Virgin Islands to be heard at an earlier time – Whether learned trial judge erred in holding that appellant's fuel storage tank and its contents were liable to be forfeited pursuant to s. 30(1)(a) of the Customs Management and Duties Act, 2010 (Act No. 6 of 2010,**

**Laws of the Virgin Islands) – Whether findings made by learned judge against the weight of the evidence**

**Result / Order:**

**[Oral delivery]**

- 1. Leave is granted to the appellant to withdraw and discontinue the urgent application.**
- 2. With the consent of the respondent, no order made as to costs.**

**Reason:**

**The Court had not been able to determine whether all the documents for the appeal (including the transcripts) had been prepared, and whether the matter was in order to be heard. There being no other sitting before September 2013 in the Territory of the Virgin Islands at which the appeal could have been heard, the Court was disposed to grant the appellant's oral application to withdraw and discontinue the urgent application for the appeal to be heard at an earlier time.**