

TELECONFERENCE

ANGUILLA

Wednesday, 17th August 2011

APPLICATIONS AND APPEALS

Case Name: Temenos Development Inc. v Ashtrom Anguilla Ltd.
[High Court Civil Appeal No. 5 of 2010]

Before: The Hon. Mde. Ola Mae Edwards, Justice of Appeal

Appearances:

Appellant / Applicant:	Mr. Ravi Bahadursingh
Respondent:	Ms. Rachel Atherton holding papers for Mr. Thomas Astaphan

Issue: Application for an extension of time to file skeleton arguments

Result / Order: [Oral delivery]

1. Unless the appellant files and serves the outstanding skeleton arguments in support of the appeal and the paginated and indexed bundle containing the pleadings, the application that was determined by Justice Blenman with the supporting and opposing affidavits, the three relevant contracts, the judgment of Justice Blenman, and any other relevant contracts or documentary evidence that were before the judge, on or before 20th September 2011, the appeal stands dismissed with costs to be assessed.
2. The bundle referred to in paragraph 1 is to be filed in 5 copies and transmitted to the Court of Appeal on or before 7th October 2011.
3. The procedural appeal is set down for hearing by the full Court at the next sitting of the court in Anguilla commencing 5th December 2011.
4. The application to adduce new evidence filed on 6th

May 2011 will be determined by the full Court at the hearing of the procedural appeal.

5. A core bundle containing the notice of appeal, the counter notice of appeal, the skeleton arguments in support and in opposition of the appeal and counter notice of appeal, is to be filed in 5 copies on or before 7th October 2011 and transmitted to the Court of Appeal.
6. Both counsel for the parties are to file 4 additional copies of the bundles filed on 23rd May 2011 and 24th June 2011 in relation to the application to adduce new evidence.
7. No order is made as to costs.

Reason:

The Court took the view that the application should be granted even if rule 62.10(1) Civil Procedure Rules 2000 had not been complied with, since a notice had been issued by the Court of Appeal on 1st June 2011, which may have caused the appellant to conclude that the Court was prepared to hear his (separate) application to adduce fresh evidence at the hearing of the appeal in December 2011.