

COURT OF APPEAL SITTING

GRENADA

30th January to 3rd February 2012

APPLICATIONS AND APPEALS

Case Name: Radhay Noel v The Attorney General et al
[High Court Civil Appeal No. 11 of 2006]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. James Bristol

Respondent: Mr. Darshan Ramdhani, Solicitor General

Issues: Clarification of judgment of court – Citizenship Act –
Applicable fee – Res Judicata

Result / Order: [Oral delivery]
The application for clarification of the judgment is
dismissed with no order as to costs.

Reason: The issue raised for determination on the appeal had
been fully determined in the judgment. No
clarification was necessary.

Case Name: Joan Isaac v Cecil Isaac
[High Court Civil Appeal No. 13 of 2009]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellant: Ms. Claudette Joseph

Respondents: Ms. Celia Edwards, QC, with her Mrs. Sabrita Ramdhani

Issues: Application for conditional leave to appeal to Her Majesty in Council – Security for costs – Quantum

Result / Order: [Oral delivery]
It is hereby ordered as follows:

1. The application of the appellant/applicant for conditional leave to appeal to Her Majesty in Council against the judgment of the Court of Appeal of the Supreme Court of Grenada and the West Indies Associated States dated 21st day of November 2011 is hereby granted on the following conditions:
 - i. The appellant/applicant shall within 90 days of the date hereof enter into good and sufficient security to the satisfaction of the Registrar in the sum of £500 sterling for the due prosecution of the appeal, the payment of all costs as may become payable by the appellant/applicant in the event of her not obtaining an order granting her final leave to appeal or of the appeal being dismissed for want of prosecution or in the event that the Privy Council order her to pay costs of the appeal.
 - ii. The attorneys at law for the appellant/applicant shall take all necessary steps to prepare the Record of Appeal in accordance with the provisions of rules 18 to 20 of the Judicial Committee Rules 2009 and Practice Directions 4.2.1 to 4.3.2 and 5;

and shall dispatch same to the Registrar without delay where final leave to appeal is granted and shall consist of a copy of the orders granting conditional and final leave.

iii. The appellant/applicant shall apply to this Court for an order for final leave to appeal to Her Majesty in Council which application shall be supported by a certificate of the Registrar that the security for costs ordered herein had been given within the time prescribed to the satisfaction of the Registrar and that the appellant/applicant has otherwise complied with this order.

2. The costs in this application shall be costs in the appeal to Her Majesty in Council.

Reason:

There was no opposition to the application. In addition, the Appeal to Her Majesty in Council is as of right.

Case Name:

Alana Brathwaite et al v Republic Bank (Grenada) Limited

Date:

Monday, 30th January 2012

Coram:

**The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]**

Appearances:

Appellants:

Dr. Francis Alexis, QC, with him, Mr. Dwight Horsford

Respondent:

Ms. Amy Bullock

Issue:

Application for extension of time

Result / Order:

**[Oral delivery]
It is hereby ordered:**

1. That the applicants be granted an order that pursuant to the Civil Procedure Rules 2000, (CPR), rules 26.1(2)(k), 62.14(1) and 62.20(1), this Honourable Court of Appeal extend the time within which the applicants may file in the appeal herein, and serve certain documents, namely, the Record of Appeal, their skeleton arguments and the chronology of events and permit the applicants to file and serve the said documents out of the time within which they were required to do so by CPR rules 62.12(13), 62.11(1) and 62.11(5).
2. That the applicants be granted permission to treat as having properly been filed and served, the said documents which were on 10th January 2012 lodged in the court Office of this Honourable Court of Appeal in Grenada and that day served on the respondent by its attorney at law.
3. That the costs of this application be costs in the appeal.
4. That the hearing of the appeal herein is scheduled for the sitting of the Court of Appeal in Grenada in June 2012.

Reason:

There was no opposition to the application. Good reasons were given for non-compliance with the Rules.

Case Name:

**Janin Caribbean Construction Limited v
Ernest C. Wilkinson et al
[High Court Civil Appeal No. 1 of 2010]**

Date:

Monday, 30th January 2012

Coram:

**The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Mr. Dwight Horsford

Respondents: Ms. Celia Edwards, QC, with her, Mrs. Sabrita Khan-Ramdhani and Ms. Karina Johnson

Issues: Application for conditional leave to appeal to Her Majesty in Council – Application for security for costs

Result / Order: [Oral delivery]

It is hereby ordered as follows:

1. The application of the appellant/applicant for conditional leave to appeal to Her Majesty in Council against the judgment of the Court of Appeal of the Supreme Court of Grenada and the West Indies Associated States dated the 7th day of November 2011 is hereby granted on the following conditions:
 - i. The appellant/applicant shall within 90 days of the date hereof enter into good and sufficient security to the satisfaction of the Registrar in the sum of £500 sterling for the due prosecution of the appeal, the payment of all costs as may become payable by the appellant/applicant in the event of it not obtaining an order granting it final leave to appeal or of the appeal being dismissed for want of prosecution or in the event that the Privy Council orders it to pay costs of the appeal.
 - ii. The legal practitioners for the appellant/applicant shall take all necessary steps to prepare the Record of Appeal in accordance with the provisions of rules 18 to 20 of the Judicial Committee Rules 2009 and Practice Directions 4.2.1 to 4.3.2 and 5; and shall dispatch same to the Registrar without delay where final leave to appeal is granted and shall consist of a copy of the orders granting conditional and final leave.
 - iii. The appellant/applicant shall apply to this Court for an order for final leave to appeal to Her Majesty in Council which application shall be supported by a certificate of the Registrar that the security for costs ordered herein had been given within the time prescribed to the satisfaction of the

- Registrar and that the appellant/applicant
has otherwise complied with this order.
2. The costs in this application shall be costs in the appeal to Her Majesty in Council.

Reason: There was no opposition to the application. The appeal to Her Majesty in Council is as of right.

Case Name: Raphael Edgar v Shirley Richards et al
[High Court Civil Appeal No. 15 of 2011]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellants:	Mr. Dwight Horsford, with him, Mrs. Afi Ventour De Vega
Respondents:	Dr. Francis Alexis, QC (for the 1 st respondent) Ms. Claudette Joseph, with her, Mr. Ian Sandy (for the 2 nd respondent)

Issue: Application to set aside order of single judge

Result / Order: [Oral delivery]

1. The application filed herein on 11th August 2011 to review the decision of the Honourable Ian Mitchell, Justice of Appeal [Ag.] of 26th July 2011 is granted, and, accordingly, paragraphs 2, 4 & 5 of the order of Honourable Ian Mitchell JA [Ag.] are set aside.
2. Paragraph 1 of the said order of Honourable Mitchell JA [Ag.] is affirmed and accordingly the appellant, Raphael Edgar, shall file a notice of appeal herein on or before 10th February 2012 which notice may contain additional grounds to

those contained in the draft notice.

3. All further matters shall thereafter proceed in accordance with the Rules.
4. Costs in this application shall be in the appeal.

Reason:

The judge should not have made the decision to refuse leave but ought to have left the appeal to come on before the full Court. The matter should be heard on appeal so the parties can properly canvas the issues.

Case Name:

**Christine Prince v The Housing Authority of Grenada
[High Court Civil Appeal No. 19 of 2011]**

Date:

Monday, 30th January 2012

Coram:

**The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]**

Appearances:

Appellants:

Ms. Celia Edwards, QC, with her, Mrs. Sabrita Khan-Ramdhani and Ms. Karina Johnson

Respondent:

Mrs. Daniella Williams-Mitchell

Issue:

Application for leave to appeal

Result / Order:

[Oral delivery]

1. The application herein for leave to appeal the oral ruling of Honourable Justice Margaret Price-Findlay made on 26th July 2011 dismissing the application of the claimant to admit the report of Safed which was obtained in the mediation proceedings, is dismissed.
2. The applicant should pay \$1,500.00 costs to the respondent.

Reason: Mediation matters are matters of confidentiality. The documents used are also confidential. The Court very rarely would permit the use of those materials at trial if not agreed at mediation.

Case Name: The Appeal Commissioners v Bank of Nova Scotia
[High Court Civil Appeal No. 27 of 2011]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellants: Mr. Darshan Ramdhani, Solicitor General, with him,
Mr. Adebayo Olowu

Respondent: Mr. James Bristol

Issue: Application for leave to appeal to Her Majesty in Council

Result / Order: [Oral delivery]
It is hereby ordered as follows:
1. The application of the applicant/intended appellant for conditional leave to appeal to Her Majesty in Council against the judgment of the Court of Appeal of the Supreme Court of Grenada and the West Indies Associated States dated 19th day of September 2011 is hereby granted on the following conditions:
a) The applicant/intended appellant shall within 90 days of the date hereof enter into good and sufficient security to the satisfaction of the Registrar in the sum of

£500.00 sterling for the due prosecution of the appeal, the payment of all costs as may become payable by the applicants/intended appellant in the event of not obtaining an order granting final leave to appeal or of the appeal being dismissed for want of prosecution or in the event that the Privy Council orders the applicants to pay the costs of appeal.

- b) The attorneys at law for the applicant/intended appellants shall take all necessary steps to prepare the Record of Appeal in accordance with provisions of rules 18 to 20 of the Judicial Committee Rules 2009 and Practice Directions 4.2.1 to 4.3.2 and 5: the same to be transmitted to the Registrar of the Court immediately upon final leave to appeal being granted and shall include a copy of the orders granting conditional and final leave.**
 - c) The applicant/intended appellant shall apply to this Court within 30 days of receipt of the certificate of the Registrar that the security for costs ordered herein had been given within the time prescribed to the satisfaction of the Registrar and that the applicant/intended appellant have otherwise complied with this order, for an order for final leave to appeal to Her Majesty in council which application shall be supported by the certificate of the Registrar.**
- 2. A stay of execution of the said judgment of the Court of Appeal until hearing and determination of the Appeal to Her Majesty in Council is hereby ordered.**
- 3. The costs in this application shall be costs in the application to Her Majesty in Council.**

Reason:

There was no objection to the application. The appeal to Her Majesty in Council lies as of right.

Case Name: Peter Gernet et al v Egmont Development Inc.
et al
[High Court Civil Appeal No. 28 of 2011]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. Cajeton Hood

Respondent: (The 1st named respondent was not a party to the appeal)
Ms. Michelle Emmanuel Steele (for 2nd respondent)

Issue: Application for leave to appeal

Result / Order: The matter is adjourned to Wednesday, 1st February 2012.

Reason: Mr. Hood requested an adjournment.

Case Name: Jennifer Williams v Grace Williams
[High Court Civil Appeal No. 30 of 2011]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellants: Ms. Celia Edwards, QC, with her, Mrs. Sabrita Khan-Ramdhani and Ms. Karina Johnson

Respondents: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Issue: Application for leave to appeal

Result / Order: [Oral delivery]
The application for leave to appeal is dismissed with no order as to costs.

Reason: The issue surrounding the execution of a judgment after six years in light of section 19 of the Civil Procedure Act is an interesting question to be canvassed but execution is already completed and accordingly, the hearing and determination of this appeal would amount to an academic exercise.

Case Name: David Phillip v The Queen
[High Court Criminal Appeal No. 2 of 2009]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person

Respondents: Mr. Christopher Nelson, Director of Public Prosecution, with him, Ms. Crisan Greenidge

Issue: Murder

Result / Order: [Oral delivery]
1. This Court hereby assigns Mr. Anselm Clouden to represent the appellant in the conduct of his appeal.

2. The hearing of this appeal is traversed to next sitting of this Court in Grenada in June 2012 in order to facilitate preparation for the hearing.

Reason: The matter falls within the provisions of section 52 of the Supreme Court Act.

Case Name: Lindon Mason v The Queen
[High Court Criminal Appeal No. 11 of 2010]

Date: Monday, 30th January 2012

Coram: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal
[Ag.]

Appearances:

Appellant:	Mr. Derick F. Sylvester
Respondents:	Mr. Christopher Nelson, Director of Public Prosecution, with him, Ms. Crisan Greenidge

Issues: Manslaughter – Good character – Self defence – Reasonable doubt – Intention – Prejudicial Statements

Result / Order: [Oral delivery]
1. The appeal herein against conviction and sentence is allowed and the conviction and sentence is quashed.
2. In the circumstances of this case, the Court would not order a retrial in as much as the appellant has served a substantial portion of the sentence.

Reason: The Director of Public Prosecution is of the opinion that the matters raised are insurmountable and cannot defend the submissions in relation to the

defence of self defence etc. and therefore concedes. Having served most of the sentence already, no justice would be served for the Court to order a retrial which may, if convicted, have the same sentence imposed.

Case Name: Olive Virginia Mc Ewen v Catherine Maria St. Bernard
[High Court Civil Appeal No. 1 of 2011]

Date: Tuesday, 31st January 2012

Coram: The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellants: Mr. Dwight Horsford, with him, Mrs. Afi Ventour De Vega

Respondents: Ms. Anyika Johnson, with him, Mr. Ruggles Ferguson

Issues: Possession – Trespass – Equitable interest -
Evidential burden – Constructive trust – Common intention

Result / Order: [Oral delivery]
1. The appeal is dismissed.
2. Costs to be paid by the appellant to the respondent in the sum of \$1,500.00.

Reason: The Court is not persuaded that the conduct of the parties as a whole inferred that there was a common intention to share beneficially in the property. There was also no evidence of an agreement between the parties to share in the property in issue.

Case Name: Florence Williams v Grenada Co-operative Bank Limited
[High Court Civil Appeal No. 8 of 2011]

Date: Tuesday, 31st January 2012

Coram: The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellants: Ms. Celia Edwards, QC, with her, Mrs. Sabrita-Khan Ramdhani and Ms. Karina Johnson

Respondents: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson instructed by Ms. Deborah St. Bernard of Messrs. Lewis & Renwick

Issues: Contract of employment – Wrongful dismissal – Bank’s credit manager – Whether wrongfully dismissed

Result / Order: Judgment is reserved.

Case Name: Agnes Deane v Veda Doyle
[High Court Civil Appeal No. 20 of 2011]

Date: Tuesday, 31st January 2012

Coram: The Hon. Mde. Janice M. Pereira, Justice of Appeal
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellants: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Respondents: Ms. Celia Edwards, QC, with her, Mrs. Sabrita Khan

Ramdhani and Ms. Karina Johnson

Issues: **Damages – Judgment debt – Interest**

Result / Order: **[Oral delivery]**
The Court has invited submissions on the issue “Whether the Judgments Act of 1838 of England or any other enactment of England authorizing or permitting interest to attach automatically to a judgment is received into law of Grenada by virtue of section 11 of the West Indies Associated states Supreme Court Act of Grenada CAP 336.”
1. Written submissions to be filed and served by counsel for the parties no later than Tuesday, 21st February 2012 and thereafter once the Court has considered the submissions will deliver a judgment.

Reason: **The result of this appeal turns on the determination of the issue as stated.**

Case Name: **Cromwell Scott & Co. Ltd. v The Appeal Commissioners**
[High Court Civil Appeal No. 26 of 2011]

Date: **Wednesday, 1st February 2012**

Coram: **The Hon. Mr. Davidson K. Baptiste, Justice of Appeal**
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:
Appellants: **Mr. James Bristol, with him, Ms. Ria Marshall**
Respondents: **Mr. Darshan Ramdhani, with him, Mr. Adebayo Olowu**

Issues: **Withholding tax – Section 50 of the Income Tax Act –**

Nature of payments

Result / Order:

[Oral delivery]

- 1. The appeal is dismissed.**
- 2. Costs awarded to the respondent in the agreed sum of \$1,700.00.**

Reason:

The Chief Justice was entitled to find that the Comptroller's best judgment assessment was not arbitrary and he did not act out of vindictiveness. The Chief Justice was also correct in finding that the additional evidence which the Company was permitted to adduce did not discharge the burden on the Company to show that the Comptroller did not reasonably estimate the quantum of liability on reliable information that was available to him.

The Comptroller approached his function in the best judgment assessment having regard to all considerations and evidence available.

Case Name:

**Kanasha Rogers v The Commissioner of Police
[Magisterial Criminal Appeal No. 4 of 2010]**

Date:

Wednesday, 1st February 2012

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]**

Appearances:

Appellant:

Mr. Dwight Horsford

Respondent:

Ms. Crisan Greenidge

Issues:

**Appeal against conviction and sentence – Wounding
– Joint enterprise**

Result / Order / Reason: [Oral delivery]
1. The appeal against conviction and sentence is allowed.
2. The conviction and sentence are quashed there being no evidential basis to support the conviction of wounding against the appellant.

Case Name: Solomon Dino Clement v The Commissioner of Police
[Magisterial Criminal Appeal No. 3 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Crisan Greenidge

Issues: Appeal against sentence – Stealing from a dwelling house

Result / Order: [Oral delivery]
The appeal against sentence is dismissed.

Reason: The Magistrate has applied correct principles in sentencing the appellant.

Case Name: Godwin John v The Commissioner of Police

[Magisterial Criminal Appeal No. 4 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Cajeton Hood

Respondent: Ms. Crisan Greenidge

Issues: Appeal against sentence – Possession of a controlled drug – Mitigating factors

Result / Order: [Oral delivery]
1. The appeal against the sentence of two years is dismissed and the Court affirms the sentence of two years.
2. The appeal against sentence in respect of forfeiture is allowed.

Reason: Appropriate principles were applied and the Magistrate was well within the limits. Section 47 1B of the Code provides jurisdiction for forfeiture. However, the evidence does not prove that the money found was a product of the offence of possession.

Case Name: Layne Griffith v The Commissioner of Police
[Magisterial Criminal Appeal No. 5 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:

Appellant:	In person
Respondent:	Ms. Crisan Greenidge

Issues: Appeal against sentence – Possession of a controlled drug

Result / Order: [Oral delivery]
Appeal against sentence is dismissed and the sentence imposed is affirmed.

Reason: The Magistrate would have considered factors in mitigation which went to appellant's credit; however the aggravating factors were also considered. The aggravating factors outweighed the factors in mitigation.

Case Name: Akeron Campbell v The Commissioner of Police
[Magisterial Criminal Appeal No. 6 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:

Appellant:	In person
Respondent:	Ms. Crisan Greenidge

Issues: Appeal against sentence – Stealing

Result / Order: [Oral delivery]
Appeal against sentence is allowed and the appellant is sentenced to time served.

Reason: The sentence imposed of 18 months was too harsh in the circumstances, the maximum being two years. The appellant has served about six months so far which is 1/3 of the maximum sentence imposed by law.

Case Name: Roylyn Nyack v Gabriel Ranger
[Magisterial Civil Appeal No. 1 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Ruggles Ferguson appearing amicus curiae
Respondent: No appearance

Issue: Application to withdraw appeal

Result / Order: [Oral delivery]
The appeal is withdrawn and accordingly dismissed with no order as to costs.

Case Name: Peter Gernert et al v Egmont Development Inc.
et al
[High Court Civil Appeal No. 28 of 2011]

Date: Wednesday, 1st February 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Tyrone Chong, QC, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Cajeton Hood

Respondent: (The 1st named respondent was not a party to the appeal)
Ms. Michelle Emmanuel Steele (for 2nd respondent)

Issue: Application for leave to appeal

Result / Order: [Oral delivery]
1. The application is dismissed.
2. Costs of the application in the sum of \$1,500.00 to be paid by the applicant to the 2nd named respondent.

Reason: There was no indication to show that the trial judge did anything but apply proper principles of case management in dismissing a part of the claim, which, for the reasons he gave, were not properly pleaded in the statement of case.