

1. The application is adjourned to Tuesday, 22nd January 2008 for either a judge who heard the appeal on the 28th of February 2007 to determine whether the appeal has any reasonable prospects of success or for the delivery of the judgment of the Court of Appeal.
2. The Order of Cottle J made on the 8th day of November 2007 shall stand. The respondent undertakes not to take steps or any further steps to demolish or alter the building erected by the appellants on the said property pending the determination of the appeal or the determination of this application for stay by a judge who heard the appeal.
3. Determination of costs reserved pending the outcome of the appeal or the application.

Reason:

Preliminary issue - The application was not an abuse of process. The Court of Appeal Rules of 1968 compliment the CPR 2000 where these rules (CPR 2000) are silent. The power of a High Court judge co-exists with the jurisdiction of the Court of Appeal in a limited way (Rule 28.2 of the 1968 Rules). The Court of Appeal has the power to discharge or vary the order of the court below on an application for stay of execution.

Merits - A judge who had sat to determine the appeal is best placed to decide the merits of the application, that is, whether there is a reasonable prospect of success. The matter was accordingly adjourned to await the delivery of the judgment or in the alternative, for the application to be heard.

Case Name

**John Stanislaus v James Woodward Jr.
[Civil Appeal No. 23 of 2005]**

Appearances:

Appellant: Mr. Vandyke Jude

Respondent: Mr. Dexter Theodore

Issue:

Application for Leave to Appeal

Result:

Appeal withdrawn. No order as to costs.

Reason:

The parties agreed to withdraw the matter.

GRENADA

Case Name Arthur Noel v Frederick Noel et al
[Civil Appeal No. 33 of 2006]

Appearances:

Appellant: Mr. Cajeton A.K. Hood
First Respondent: Mrs. V. Francis-Banfield
Second Respondent: Mr. A. Olowu

Issue: Application for extension of time to comply with Order

Result:

It was directed that:

1. The application for extension to comply with the requirements of CPR 62 and for relief from sanction is adjourned to the 22nd day of January, 2008.
2. A copy of the Master's Order dated 9th November, 2007 is to be filed and served on or before 28th December, 2007.
3. The affidavit in response to the application is to be filed and served by the respondent's counsel if the application is being opposed on or before 28th December, 2007.
4. Counsel for the parties are to file and serve submissions on or before 11th January, 2008 where the application is being opposed.

**SAINT KITTS &
NEVIS**

Case Name Alfred Powell et al v George Powell
[Civil Appeal No. 4 of 2002]

Appearances:

Appellant: Ms. Joyah Sutton-Daniel
Respondent: Ms. Myrna Walwyn

Issue: Application for Notice of Appeal to be struck out

Result: It was directed that:

1. The application to strike out the notice of appeal dated July 15, 2002 is adjourned to the 22nd day of January, 2008.
2. The application is to be served on the 1st appellant/respondent and affidavit of service filed on or before 9th January, 2008.
3. The applicant's counsel is to file an application for service of the application on the 2nd and 3rd respondents outside of the jurisdiction pursuant to CPR 2000 7.5, 7.14, and 7.8 to 7.13.
4. The affidavit in response to the application is to be filed and served on or before 14th January, 2008 by the 1st appellant/respondent.

**BRITISH
VIRGIN
ISLANDS**

Case Name The Financial Services Commission v E1 Limited
[Civil Appeal No. 17 of 2006]

Appearances:
Appellant: Mr. Nelson Samuel
Respondent: Walkers

Issue: Application for the respondent to pass a resolution for its voluntary liquidation

Result: It was directed and ordered that:

1. The application for the orders pursuant to Part 53.2 filed on 17th October, 2007 is adjourned to the sitting in BVI scheduled for the week of January 28th to 1st February, 2008.
2. The affidavit in response to the application to be filed by the respondent on or before 4th January, 2008.
3. Legal submissions of counsel for the parties are to be filed and served on or before 11th January, 2008.

Case Name Multiperils International Inc. et al v Marple Point Energy Ltd.
[Civil Appeal No. 26 of 2007]

Appearances:

Appellant: Farara Kerins

Respondent: Maples & Calder

Issue:

Application for Stay of Execution

Result:

It was directed and ordered that:

- 1. The appellants/applicants shall file and serve written submissions on or before Friday 4th January 2008.**
- 2. The respondent shall file and serve written submissions on or before 18th January 2008.**
- 3. The application shall be considered on written submissions by a single Judge of the Court thereafter.**

Case Name

**Alfa Telecom Turkey Limited v Cukurova Finance International Limited et al
[Civil Appeal No. 27 of 2007]**

Appearances:

Appellant: Walker

Respondent: Maples & Calder

Issue:

Application for Leave to Appeal

Result:

It was directed and ordered that:

- 1. The preliminary issues decided by Olivetti J were determined at the end of the hearing of one part of the trial and the decision is not an interlocutory order for which the applicant needs leave.**
- 2. The draft notice of appeal filed on 23rd November, 2007 shall stand as the notice of appeal.**
- 3. The hearing of the appeal is fixed for 28th January to 1st February, 2008.**
- 4. The parties are to agree on a core bundle for use at the appeal which must be filed and served on or before 16th January, 2008.**
- 5. The parties shall agree on a statement of issues and facts found at the trial, to be filed and served on or before 16th January, 2008.**
- 6. The transcript of the evidence to be prepared and served on or before 28th December, 2007.**
- 7. Skeleton arguments and authorities of counsel to be filed and served on or before 18th January, 2008.**

Reason:

White v Brunton [1984] QB 570 applied.

**SAINT
VINCENT &
THE
GRENADINES**

Case Name Ralford Ranger v Commissioner of Police
[Criminal Appeal No. 21 of 2007]

Appearances:

Appellant: In person

Respondent: Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was directed that:

1. The Director of Public Prosecutions shall file and serve on or before 4th January, 2008, any objection to the application for extension of time to appeal filed by the applicant on 19th September, 2007, failing which the application is granted.
2. The matter is set down for further case management on 22nd January, 2008.

Reason:

The Director of Public Prosecutions was served with the application but to date has not replied.

Case Name Feron Roberts v Commissioner of Police
[Magistrates Criminal Appeal No. 59 of 2007]

Appearances:

Appellant: In person

Respondent: Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was directed that:
1. The Director of Public Prosecutions shall file and serve on or before 4th January, 2008, any objection to the application for extension of time to appeal filed by the applicant on 28th May, 2007, failing which the application is granted.
2. The matter is set down for further case management on 22nd January, 2008.

Reason: The Director of Public Prosecutions was served with the application but to date has not replied.

Case Name Jerald Whittington v Commissioner of Police
[Magistrates Criminal Appeal No. 64 of 2007]

Appearances:
Appellant: In person
Respondent: Director of Public Prosecutions

Issue: Application for extension of time

Result: It was directed that:
1. The Director of Public Prosecutions shall file and serve on or before 4th January, 2008, any objection to the application for extension of time to appeal filed by the applicant on 5th July, 2007, failing which the application is granted.
2. The matter is set down for further case management on 22nd January, 2008.

Reason: The Director of Public Prosecutions was served with the application but to date has not replied.

Case Name Raphael Robinson v Commissioner of Police
[Magistrates Criminal Appeal No. 76 of 2007]

Appearances:
Appellant: In person
Respondent: Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was directed that:
1. The Director of Public Prosecutions shall file and serve on or before 4th January, 2008, any objection to the application for extension of time to appeal filed by the applicant on 19th September, 2007, failing which the application is granted.
2. The matter is set down for further case management on 22nd January, 2008.

Reason: The Director of Public Prosecutions was served with the application but to date has not replied.

Case Name Kashorn John v Commissioner of Police
[Magistrates Criminal Appeal No. 86 of 2007]

Appearances:
Appellant: In person
Respondent: Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was directed that:
The application shall be served on the Director of Public Prosecutions who shall forthwith upon receipt of it, inform the court whether there is any objection to the application and of the reason(s) for objection, if any.

Reason: There was nothing on file to indicate whether the application was served on the Director of Public Prosecutions.