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CHAMBER HEARING

Wednesday 2nd April, 2008

CORAM

The Hon Hugh Rawlins, Justice of Appeal

SAINT LUCIA

Case Name

**Margaret Sargusingh, (Administrator in the Estate of late Waltrude Sargusingh) v. Caius Sargusingh, (Administrator in the Estate of the late Victor and Marie Sargusingh)
[Civil Appeal No. 6 of 2008]**

Appearances :

Appellant : Mr. Andy George with Mr. Ermin Moise

Respondent: Mr. Bryan Stephen

Issue:

- 1. Application for Stay of Execution**
- 2. Application for Leave to Appeal**

Result:

- 1. The Application by the Intended Appellant/Applicant for a Stay of Execution against the Order of the Hon. Justice Brian Cottle dated 5th March 2008 discharging the interim injunction prohibiting the sale and otherwise transfer of Block 2037C Parcel 124 by the Respondent is granted.**
- 2. The Stay shall remain until the appeal is heard or until further order.**
- 3. The Application for Leave to Appeal and any other application shall be listed for case management on the next case management list scheduled for 15 April 2008.**
- 3. The costs on the Stay Application are reserved for consideration in the appeal.**
- 4. A copy of this Order shall be served on the Registrar of Lands.**

Reason:

- 1. The Deed of Sale was executed after the claim was filed and after the matter had been referred to mediation. The Deed should not have been so executed. The Stay of Execution was granted which had the practical effect of staying the registration of the Deed of Sale (without which property would not pass).**
- 2. The Applicant will need to determine whether to proceed with the Application for Leave to Appeal since there is also a Notice of Appeal before the Court.**