

CHAMBER HEARING

Tuesday 4th March 2008

CORAM Hon. Denys Barrow SC Justice of Appeal

SAINT LUCIA

Case Name Anselma Ivinia Augustin v Columbian Emeralds International Ltd.
[Civil Appeal No. 1 of 2008]

Appearances

Appellant Mr. Horace Fraser

Respondent Mr. Mark Maragh

Issue:

1. Application to list matter as a summary appeal
2. Application to admit fresh evidence

Result:

Both applications were refused.
Liberty, to respondent to file a further affidavit in reply, if necessary, by 14th March 2008.
Parties are to file skeleton arguments on the application, not exceeding 3 pages plus photocopies of authorities, not later than 31st march.
Appellant is to prepare a separate bundle for this application. Costs of \$1, 000.00 to the respondent.

Reason:

1. The Rules do not permit one side, in the face of opposition by the other side, to have an appeal proceed as a summary appeal. Accordingly, the respondent having objected, the application is refused.
2. Secondly, the matter of receiving fresh evidence is a matter for the full court that will hear the appeal, to decide. The application to adduce fresh evidence shall be set for hearing by the full court at the sitting when the substantive appeal comes on.