

IN THE GRAND COURT OF THE CAYMAN ISLANDS

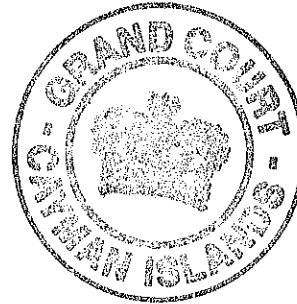
CAUSE NO G 247 of 2014

BETWEEN

VISTA DEL MAR DEVELOPMENT LTD

AND

**(1) JANET FRANCIS
(2) DWIGHT CLARKE**



Plaintiff

Defendants

CONSIDERED ON THE PAPERS

Before: The Hon. Justice Ingrid Mangatal

Date Considered: 22 September 2016

Date Delivered: 23 September 2016

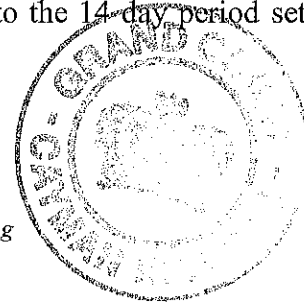
HEADING

Civil Practice and Procedure - Court's inherent jurisdiction and discretion to Stay Execution of Judgment to allow losing party to consider appeal.

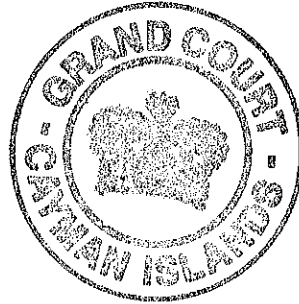
RULING


1. I have considered the Defendants' application by way of letter dated 21 September 2016, seeking a six week stay of execution of the Judgment in this matter, which I delivered on 20 September 2016.

2. I have also considered the Plaintiff's opposition to the application, as set out in its letter dated 22 September 2016.
3. In my Judgment, it is plain that the Court has a discretion to stay execution of a Judgment for a short period, in order to allow a losing party the opportunity to consider whether to appeal the decision. This is a separate and distinct discretion from that which a Court may be asked to exercise after an appeal has been filed, and pending its final determination, which is guided by different principles. The current application is in essence seeking the Court's exercise of its inherent jurisdiction to do justice.
4. In this case, I gave final Judgment in favour of the Plaintiff, and ordered specific performance of the Agreement for Sale, as amended by the Deed of Variation to Agreement, in the manner sought in paragraph 19(1) of the Statement of Claim. The terms of the Judgment include orders requiring the parties to carry out certain obligations within 7 days of the date of the Judgment.
5. The Defendants are entitled to appeal as of right.
6. Section 19(1) of the Court of Appeal Law (2011 Revision) requires that an appeal be brought by the appellant within 14 days after the date of the Judgment.
7. Rule 11(4) of the Court of Appeal Rules (2014 Revision) indicates that the 14 days is calculated from the date upon which the Judgment is filed in accordance with Grand Court Rule Order 42, Rule 5. The Judgment has not yet been filed and sealed.
8. In my view, it is just to grant a stay of execution of the Judgment in order to allow the parties to consider whether or not to exercise their undoubted right of appeal. This is particularly so in this case since, it is self-evidence that absent a stay, the effective time line called for in the Judgment will take effect prior to the 14-day period set out in the Court of Appeal Law.



9. However, the period of six weeks sought by the Defendants is inappropriate in all of the circumstances of this case. I am minded to grant a stay of execution of the Judgment until 7 October 2016, to allow the Defendants to consider whether to appeal. It is so ordered.





THE HON. JUSTICE MANGATAL
JUDGE OF THE GRAND COURT