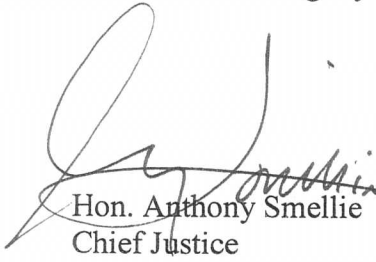


4. More to the point though, is whether her intervention at this late stage will cause harm to the interests of the petitioner.
5. True it is that the petitioner will be further inconvenienced by an adjournment to result from the late intervention, but she will suffer no irreparable prejudice.
6. On the other hand, the proposed intervenor may objectively be regarded as entitled to change her mind with the passage of time and on the basis of new legal advice.
7. This is a concern that I expressed at the outset at the last hearing when I enquired whether evidence would be given by or on her behalf as the registered owner of the disputed property. Given the nature of the allegations, I should not seek to determine the true ownership of the property without regard to any evidence she may wish to give.
8. It seems however, that neither side had an intention to adduce her evidence.
9. Now that she wishes to be heard, I intend to hear from her. And if she is to be heard, it would not be appropriate that she should be denied representation when she is to be cross-examined, nor the benefit of having the other parties cross-examined by her attorney.
10. I consider that the appropriate disposition this morning, having regard to the unavailability of her attorney for continuation today and tomorrow, is to adjourn the matter for a final hearing date with directions for Ms. Ebanks (the proposed intervenor) to be immediately served with the evidence in the case and for her to file any further affidavit evidence upon which she seeks to rely within one month.
11. The case will then be set for a final hearing at the first available and convenient date thereafter.

12. As the petitioner (and the respondent, although he agrees with the adjournment) are both legally aided, there will be no order as to costs.


Hon. Anthony Smellie
Chief Justice

