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GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN GRAND CAYMAN
C 485/95

BETWEEN : ENOLA McLEAN APPLICANT
AND : PHILLIP McFIELD DEFENDANT

RULING

Appearances: Enola McLean in person
Phillip McField in person

Neither party is represented but both appear before me today in person.

On 29th February 1996 Mr. Justice Smellie made an order that the Judgement Debtor comply with a schedule of periodic payments, and that "any failure on his part to make payment will result in the Judgment Creditor having liberty to restore the notice of motion for his committal to prison."

There is before me such a notice of motion which was apparently served on 28th June 1996 as appears from an affidavit of service filed. In any case Mr. McField appeared before me.



The applicant indicated that it was her full intention to proceed and seek an order for committal. She had no additional evidence to offer but her affidavit in support of the relief sought, dated 15th July 1996, is before me.

Mr. McField accepted my invitation to give evidence. At one stage in his evidence he admitted that he was in breach of the order of Mr. Justice Smellie, though he was certainly aware of it.

He indicated that things had been slow at work but that he had been paying what he could. His evidence seemed to be to the effect that there was a mix up because his partial payments had been paid at the wrong office. In response to questioning from me as to the details of the alleged payments I formed the view that his evidence with respect to payments was entirely unworthy of belief.

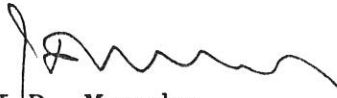
I afforded Enola McLean the opportunity to cross examine Mr. McField but she declined.

I inquired again of Enola McLean as to whether she actually wished that an order of committal be made if I were disposed to do so and she indicated that she was.

In view of the very clear provisions of the order of Mr. Justice Smellie dated February 29th 1996, and Phillip McField entirely failing to provide me with any reason why I should not proceed as Mr. Justice Smellie has previously ordered, I now order that Phillip McField be committed to her Majesty's Prison for a period of seven days.



Dated this 26th day of July, 1996.



J.D. Murphy

Judge of the Grand Court



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