

CJ  
1.2.96

IN CHAMBERS

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN  
CAUSE NO. 537 OF 1995

BETWEEN: MR. AND MRS. LEO JOHN PERRY PLAINTIFF  
AND: SEVEN MILE BEACH RESORT LTD. DEFENDANT

For the plaintiff: Mr. Clyde Allen  
For the defendant: Mr. Neil Sweetnam

BEFORE HARRE CJ

RULING

This was an application for summary judgement under Order 14. I have come to the clear conclusion that on the pleading and the affidavits there is an issue or question in dispute which ought to be tried and that both the legal effect of the contractual arrangements, notwithstanding the admission in paragraph 1 of the defence on which the plaintiffs heavily rely, and the factual background are in issue. Summary judgement under Order 14 is intended only to apply to cases

where there is no reasonable doubt that a plaintiff is entitled to judgement and where therefore it is inexpedient to allow a defendant to defend for mere purposes of delay. Leave to defend must be given unless it is clear that there is no real substantial question to be tried, and this is clearly a case for such leave to be given. It is an interlocutory matter and therefore leave to appeal would be required if such a course were contemplated.

The defendants are to have the costs of the summons under Order 14, to be taxed if not agreed.

Dated 1st February 1996



G.E. Harre

Chief Justice