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IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. D 58 OF 1991

BETWEEN: LORETTA WEIS FURNISS PETITIONER
AND: JOHN HOWARD FURNISS RESPONDENT

Petitioner and respondent in person
Before Harre CJ.



JUDGMENT

On 11th January 1996 the parties, both in person, appeared before me on an application dated 22nd December 1995 by the petitioner seeking orders relating to the maintenance of Pamela, the child of the marriage, and a restriction on her removal from the jurisdiction.

I allowed the petitioner with the consent of the respondent to present her case at some length. The manner in which she did so shows that she is a person of considerable ability, but unfortunately I have had to conclude that her application was misconceived.

I did not have before me at the hearing the judgment of Schofield J dated 20th December 1995. If I had, it would have become clear that

the petitioner was simply revisiting issues which were or should have been fully canvassed before him. It is not open to a party to come again within days before another judge of similar jurisdiction to have such matters reheard. I therefore have no jurisdiction to make an order upon the petitioner's summons dated 22nd December. There are no changed circumstances on which such an order could be based.

The question of custody care and control of Pamela was not referred to in either of the summonses dated 8th and 22nd December 1995 nor in the judgment of Schofield J. The petitioner says that the issue of custody care and control came before the Court of Appeal in early December 1995. There is a draft order in existence, prepared by the petitioner, which purports to record what was then agreed. The respondent, who is a lawyer, has undertaken to look at it and if agreement can be reached upon its terms to present it to the court. I can do no more than leave that aspect of the matter thus, while expressing the hope that in the interest of Pamela the parties will be able to agree.

Dated 16th January 1996

G.E. Harre

Chief Justice



G. E. Harre