

IN THE CAYMAN ISLANDS COURT OF APPEAL
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
GRAND COURT NO. 163 OF 1988
C.I.C.A. CIVIL APPEAL NO. 5 OF 1989

CERTIFICATE OF THE ORDER OF THE COURT

Appeal from the Orders of the Grand Court dated the 9th day of
January, 1989 and 20th January, 1989.

BETWEEN: KENNETH EBANKS

PLAINTIFF/APPELLANT

AND: RAY PLAIN

DEFENDANT/RESPONDENT

THIS appeal coming on for hearing on the 14th day of April, 1989
and the 24th day of April, 1989

Before:

The Honourable President Mr. Justice Zacca
The Honourable Mr. Justice Georges, J.A.
The Honourable Mr. Justice Henry, J.A.

In the presence of: Mr. Polack of Kitch & Conolly for the Appellant
and Mr. Shea of Hunter & Hunter for the Respondent.

I HEREBY CERTIFY that an Order was made as follows:--

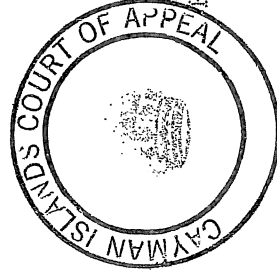
Appeal allowed in part. We conclude that the learned Chief
Justice correctly exercised his discretion in his ruling of 9th
January, 1989 when he set aside the Order of 8th August, 1988 together
with the Order of 9th September, (1988). The Order of the learned
Chief Justice (dated 20th January, 1989), striking out the Writ is set
aside. Consequently the Order to have service of it is set aside.

It is ordered that the writ be treated as a generally
endorsed writ. The Plaintiff will deliver his Statement of Claim
within 21 days and thereafter pleadings will proceed in the normal
manner.

Respondent to have costs of the application to have it set
aside and of the proceedings ancillary thereto. Costs of the appeal
to be costs in the cause. Moneys paid into Court to be returned to
the defendant.

Reasons to be put into writing at a later date.

Given under my hand and the seal of the Court this 24th day of April,
1989.



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Registrar

To: Messrs Kitch & Conolly
Messrs Hunter & Hunter

File Gary
28/6/89