

1982

IN THE COURT OF APPEAL FOR THE CAYMAN ISLANDS

CIVIL APPEAL NO. 14 OF 1969

BETWEEN: THE ESTATE OF LAWRENCE EDWIN FARRINGTON (DECEASED)
PLAINTIFF/RESPONDENT

&

AZENETTA BANKS DEFENDANT/APPELLANT

BEFORE: THE HON. MR. JUSTICE ZACCA - PRESIDENT, COURT OF APPEAL
THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE ROSS, J.A.

November 25, 1982

Hon. President:

This is an appeal from the learned trial judge of the Grand Court. The pleadings, and indeed the case as presented to the learned trial judge was, in our view, essentially a case of trespass. We find that there was sufficient evidence on which the learned trial judge could have made the order that he did. We see no reason for interfering with his order. In fact, Mr. Edwards concedes as much. However, in his reasons for judgement, the learned trial judge considered and decided that the plaintiff had acquired title by long possession.

In our view, it was unnecessary for the learned trial judge to consider the question of title. This court has not heard arguments on the question of title as we considered it unnecessary to do so in order to determine the issue which was before the trial judge. In the event, the appeal is dismissed, the order of the trial judge affirmed and costs of appeal to be the respondent's.