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In the Grand Court of the Cayman Islands

Cause No. 634 of 1977

13th June, 1978.

In the matter of a Bankruptcy Petition
against IVAN FARRINGTON

Petition of KARL R. BRANDON

REASONS FOR DECISION

These proceedings were brought on in Chambers pursuant to section 29 of the Bankruptcy Law read with rule 4 of the Bankruptcy Rules.

The petition in bankruptcy was filed on 9 December 1977.

Under rule 14 of the Bankruptcy Rules it is the duty of the Judge to examine any petition filed.

The affidavit in support of the petition purports to be sworn before a justice of the peace who has not signed it. It is also undated.

Rule 11 of the Bankruptcy Rules was not complied with.

The petitioner's attention was drawn to these defects by letter dated 28 March 1978. A reminder was sent on 11 April 1978.

No action has since been taken by the petitioner.

Meanwhile a caution on land owned by the alleged debtor remains on the Register, having been filed by the petitioner under section 127 (1) (c) of the Registered Land Law, inhibiting dealings therewith.

The foregoing are all matters of record on the file.

Furthermore, this court cannot but take judicial notice of proceedings before it and rulings given thereon. It is clear from related proceedings between the parties that the judgment debt on which the petition is founded is not yet payable, a stay of execution having been granted.

Those related proceedings are cause No. 634 of 1977, the order setting out the history of the matter generally and removing the stay of effect from 5th July 1978, i.e. long after the date of the petition. This is incorporated referentially in this.

A petition in bankruptcy cannot be founded on a debt not yet payable.

For the foregoing reasons the petition was dismissed pursuant to rule 16 (a) of the Bankruptcy Rules.

Sir John Summerfield, Chief Justice