

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN

CAUSE NO. *56* of 2020

In the matter of Grand Court Rules O. 15



BETWEEN **DELROY SMICKLE**



LEITON BRUCE SEWELL

DEFENDANT



ORIGINATING SUMMONS

LET THE DEFENDANT of George Town, Grand Cayman, attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the _____ day of _____ 2020, at _____ o'clock in the fore/ after noon on the hearing of an application by the Applicant, c/o Brooks & Brooks, of Two Artillery Court, Shedden Road, George Town, Grand Cayman, for the following relief:-

1. A declaration that the document entitled " Certified Copy Decree Absolute" dated 9th day of June 2017, in the matter of **EVERITT MAUD SMICKLE v DELROY SMICKLE**, Claim No. M01620, filed in the Supreme Court of Judicature of Jamaica, Family Division, is null and void and of no effect.
2. A declaration that the marriage between the Applicant **DELROY SMICKLE** and **EVERITT MAUD DELL** celebrated on the 16th November 2001 was still valid as at 9th June 2017, and up to to the death of the said **EVERITT MAUD DELL** on 6th September, 2019.
3. That the purported marriage between the defendant **LEITON BRUCE SEWELL** and the deceased **EVERITT MAUD DELL** celebrated on the 7th July, 2018 is void pursuant to S. 8 of the MCL, as it is bigamous.
4. A declaration that as at the date of her death on 6th September, 2019, the


This Originating Summons is filed on behalf of the Applicant by Brooks & Brooks, Attorneys, of Two Artillery Court, Shedden Road, George Town, Grand Cayman

Applicant DELROY SMICKLE was the lawful spouse of the said EVERITT MAUD DELL.

5. Any further or other relief as this Honourable Court deems just.
6. Costs.

AND LET THE DEFENDANT, within 14 days after service of this Sumons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O Box 495 GT, George Town, Grand Cayman.

Dated this 18th day of March, 2020 .


BROOKS & BROOKS
Attorneys-at-Law for the Applicant

- NOTE:
- (1) This summons may not be served later than 4 calendar months (or if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date, unless renewed by order of the court.
 - (2) If the Defendant does not attend personally or by his attorney at the time and place above-mentioned, such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

This Originating Summons is filed on behalf of the Applicant by Brooks & Brooks, Attorneys, of Two Artillery Court, Shedden Road, George Town, Grand Cayman

Service of the Originating Summons is acknowledged accordingly.

Attorney for the Defendant

Defendant

Dated this day of 2020.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

NOTES ON ADDRESS FOR SERVICE

Attorney: Where the Respondent is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign Attorney.

Respondent in person: Where the Respondent is acting in person, he must give his post office box number and the physical address of his residence, or if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent.

Indorsement by the Petitioner's Attorney (or by the Petitioner if acting in person) of his name, address and reference, if any, in the box below.

**Brooks & Brooks
Attorneys-at-Law
Two Artillery Court
Shedden Road
George Town
Grand Cayman
British West Indies**

**Telephone.: (345) 949 9377
Facsimile: (345) 949 9344**

Indorsement by the Respondent's Attorney (or by the Respondent if appearing in person) of his name, address and reference, if any, in the box below.