

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

Tuesday, 29th July 2025

MATTERS DEALT WITH ON PAPER

Case Name: **Antigua Hangers Inc**

v

SFS Antigua Operations Ltd

[ANUHCVP2023/0026]
Antigua and Barbuda

Date: **Tuesday, 29th July 2025**

Before: **The Hon. Mde. Vicki Ann Ellis, Justice of Appeal**

Appearances:

Appellant: **Mr. Harold Lovell**

Respondent: **Ms. C. Kamilah Roberts**

Issues: **Application for a stay of the proceedings - Application for an extension of time for compliance**

Result/Order: **IT IS HEREBY ORDERED THAT:**

- 1. The Adjournment Application is dismissed.**
- 2. The Application is refused.**
- 3. Costs of both the Adjournment Application and the Application are awarded to the respondent to be assessed (if not agreed) within 21 days of this order.**

Reason: **The Court noted that the applicant filed no legal submissions in support of the application for a stay and an extension of time for compliance but has by notice of application sought an adjournment of the**

hearing of the application and for an extension of time for compliance with the order pending the finalization of the sale of land. The said order dated 27th May 2025 directed the parties to file and serve affidavit evidence updating the Court on any developments, as well as their respective positions no less than 7 days before the next adjourned date. The Court also noted that the applicant elected not to comply with the said Order and has not provided any further affidavit evidence as directed by the said Order and the extension of time sought in the application related to orders made by Drysdale J in the court below.

Furthermore, the Court considered the legal principles which a Court should apply in considering an application for an adjournment as adumbrated in *Dhillon v Asiedu* [2012] EWCA Civ 1020 and *Bilta (UK) Ltd (In Liquidation) & Others v Tradition Financial Services Ltd* [2021] EWCA Civ 221; *Elliot Group Ltd et al v GECC UK (formerly known as GE Capital Corporation) et al* [2010] EWHC 409 (TCC); *Multibank Fx International Corporation v Von Der Heydt Invest S.A* BVIHCMAP2022/0024. The Court also considered Part 1.1(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“CPR”), which prescribes that the overriding objective requires cases to be dealt with justly and that the Court deals with cases ‘expeditiously and fairly’.

The Court also considered the relevant principles which a court should apply when deciding whether to grant a stay as adumbrated in *Hammond Suddard Solicitors v Agrichem International Holdings Limited* [2001] EWCA Civ 2065 applied in *C-Mobile Services Limited v Huawei Technologies Co Limited* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported).

Accordingly, the Court determined that there was no basis advanced by the applicant which supported any further adjournment of the application for the extension of time as the extension of time sought related to orders made in the court below and raised issues which should be properly ventilated and determined in the pending proceedings in the court below. The Court further determined that in examining

the totality of the circumstances, the persuasive untraversed evidence advanced in opposition to the application for an adjournment and the application for a stay, the likely prejudice to the respondent by the adjournment of the application for a stay, that the application for a stay should be considered on the basis of the documentation presented, as well as the case advanced by the applicant. The Court therefore determined that the applicant had not met any of the thresholds for the grant of a stay and dismissed the adjournment application while the application for a stay of proceedings was refused.

Case Name:

Clem Sylvester

v

The King

[SLUHCRAP2024/0001]

Saint Lucia

Date:

Tuesday, 29th July 2025

Before:

The Hon. Mde. Vicki Ann Ellis, Justice of Appeal

Appearances:

Applicant:

In person

Respondent:

No appearance

Issue:

Application for an extension of time for leave to appeal conviction — Application for leave to appeal against conviction — Application for legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applications for;

- (i) an extension of time for leave to appeal the conviction for the offence of rape and gross indecency;**
- (ii) leave to appeal against the said convictions and;**
- (iii) request for the grant of legal aid to secure legal representation and the**

provision of the transcript of proceedings
is referred to the Full Court for hearing at the sitting of the Court in Saint Lucia scheduled for the week commencing 27th October 2025.

Reason:

The Court found that the applicant had not met the threshold for the grant of any of the orders prayed for in the applications. The Court also found that the applicant failed to comply with its previous Order dated 29th April 2025 to provide affidavit evidence on his financial means; he failed to comply with the Order dated 27th May 2025 to file and serve an affidavit setting out the grounds of his application for extension of time for leave to appeal addressing the length of delay, reasons for delay, chances of appeal succeeding if extension is granted and the degree of prejudice if application is granted, as well as providing the Court with the affidavit evidence setting out the details of his financial position.

The Court was not satisfied that the Office of the Registrar of the High Court provided the applicant with the requisite assistance as the Court had instructed in the Orders dated 29th April 2025 and 27th May 2025 which ordered that the office assist the applicant, provide him with the relevant forms and facilitate the said affidavit evidence. The Court found that the office's unexplained failure to comply with the Court's orders is *prima facie* contumelious.

The Court determined that a decision should not be made without first giving the applicant an opportunity to make adequate representation in support of the applications. And in those circumstances, the applications were referred to the Full Court for hearing at the sitting of the Court in Saint Lucia scheduled for the week commencing 27th October 2025.