

DOMINICA:

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 2 OF 1977

BETWEEN:

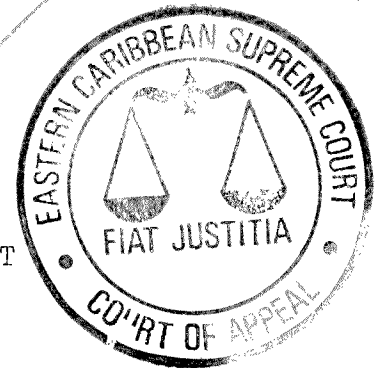
BALFOUR JAMES

APPELLANT

VS.

WILLS STRATHMORE STEVENS
(Personal Representative of
Hilda Stevens)

RESPONDENT



Before: The Honourable Sir Maurice Davis, Q.C. - Chief Justice
The Honourable Mr. Justice St. Bernard
The Honourable Mr. Justice Peterkin

Appearances: J. Armour for Appellant
J. Harris with him
F.E. Degazon for Respondent

1977, May 26, 33

J U D G M E N T

ST. BERNARD, J.A.:

The only issue raised in this appeal under section 170 of the Title by Registration Ordinance is whether a caveat filed in accordance with section 17 of the said Ordinance on the 10th December, 1976, was out of time under the provisions of subsections (5) and (6) of section 12 of the said Ordinance. This issue was raised in civil appeal No. 1 of 1977 and the decision in that appeal on that issue applies in this case.

The appeal is allowed and the order of the judge is set aside and the matter remitted for hearing.

No order as to costs.

(E. St. Bernard)
JUSTICE OF APPEAL

I agree.

(N. Peterkin)
JUSTICE OF APPEAL

I also agree.

(Sir Maurice Davis)