

ANTIGUA AND BARBUDA

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 2 OF 1996

BETWEEN:

CARIB BOOTS LIMITED	APPELLANT
AND	
GAVIN W. MILO REBECCA MILO	FIRST RESPONDENTS
AND	
ELEGANT HOTELS LTD.	SECOND RESPONDENTS

BEFORE: THE RT. HONOURABLE SIR VINCENT FLOISSAC - CHIEF JUSTICE
THE HONOURABLE MR. SATROHAN SINGH - JUSTICE OF APPEAL
THE HONOURABLE MR. ALBERT MATTHEW - JUSTICE OF APPEAL [AG.]

APPEARANCES: JOHN E. FULLER FOR THE APPELLANT
JUSTIN L. SIMON FOR THE RESPONDENTS

1996: FEBRUARY 15.

JUDGMENT

We treat the Order appealed against as a hybrid order which is interlocutory as between the Appellant and the Respondents but is final as between the Interveners on the one hand and the Appellant and Respondents on the other hand. The application for stay of the execution of the order is therefore an application for a stay pending an appeal.

We refuse the application for the stay of execution because we are satisfied that the hardships which the Respondents (que judgment creditors) and the Interveners (que occupier) will suffer as a result of the grant of a stay will be greater than the hardship which the Appellant will suffer as a result of a refusal of the stay.

The application is accordingly denied.

The Appellant will pay the Respondents costs and the Intervenors costs.

SIR VINCENT FLOISSAC
Chief Justice

I concur. SATROHAN SINGH
Justice of Appeal

I concur. ALBERT MATTHEW
Justice of Appeal (Ag.)