

SAINT LUCIA

IN THE HIGH COURT OF JUSTICE  
(CIVIL)  
A.D. 1998

land: trespass  
restraining order

Suit No. 326 of 1998

BETWEEN:

JOSEPH ADJODHA

Plaintiff

vs.

HIPPOLYTE CHARLES & CO.

Defendant



Mr. Leonard Riviere and Isabella Shillingford for P'aintiff  
Mr. Kenneth Foster, Q.C. for Defendant

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1998: 14th May

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**DECISION**

**Cosmas Phillips Q.C. (In Chambers)**

Court is satisfied that the defendants were attempting to survey lands of the plaintiff as declared in the judgment of the Court dated the 25th August, 1987 and set out in the schedule to the petition in the matter. I am also satisfied that this was in violation of the perpetual injunction set out in the said schedule. The land agreed to be surveyed is comprised in a Deed Registered in Vol. 45 No. 15956 which is otherwise known as the Dudin lands. This is entirely different from the lands in the schedule which is comprised in Deed Register in Vol. 27 No. 7643.

By the consent Order dated the 4th March, 1998 the defendants agreed not to trespass on the lands the subject of the action in suit

No. 278 of 1997 "except for the purposes only of going to and from any building now existing on the said lands now occupied by them as residences." In that action i.e Suit No. 278/97 the defendants 1, 2 and 4 in this cause are numbered. By themselves and their agent, Jerome Joseph they have breached the agreement contained in the Order of the 4th March, 1998. The remedy therefore should be sought in contempt proceedings.

This court is asked by summons dated the 18th April, 1998 to restrain these defendants from entering or trespassing unto the property. Reluctantly, I must refuse this application in view of the consent Order and leave the plaintiff to such other remedies as are available to it.

In the circumstances, there will be no order as to costs.

  
**COSMAS O.R PHILLIPS Q.C.**  
**PUISNE JUDGE (Ag.)**