

GRENADA

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 7 OF 1998

BETWEEN:

1. JOEL PETERS
APPELLANTS

2. VICTORIA PETERS

and

1. MARCELLE GAIRY RESPONDENTS
2. JENNIFER GAIRY

(The Receivers of the real and personal
Property of Sir Eric Matthew Gairy)

Before: The Hon. Mr Justice Satrohan Singh
Justice of Appeal

The Hon. Mr Justice Albert Redhead Justice
of Appeal

The Hon. Mr Justice Albert N.J. Matthew Justice
of Appeal [Ag.]

Appearances: Mr James Bristol for the Appellants
Mr Derek Knight for the Respondents

1998: July 16

JUDGMENT

SINGH, J.A.

This is an appeal against an injunction order made by Brian Alleyne J against the appellants on February 25th, 1998. The appeal challenges the exercise of the discretion by the Trial Judge when he made that order.

The granting of an injunction is a matter for exercise of the judge's discretion and an Appeal Court will not lightly interfere with the exercise of

such a discretion. This is settled law and there are settled principles which we will have to follow if we needed to so interfere. It is not necessary to pronounce upon them here again. We have done so often enough.

The real challenge to the exercise of the Judge's discretion was his conclusion on the issue of adequacy of damages. The learned Judge found that the appellants had more or less exhausted their life savings, and therefore when balanced, the respondents were in a better position to pay damages than the appellants.

We have examined the evidence and we observe that Victoria Peters, one of the appellants, said in her affidavit that they utilized most of their savings to purchase the property. We are of the opinion that this evidence, to a certain extent, was enough to justify the Judge's finding of the aforementioned fact.

That being the only criticism, we can find no justifiable reason to interfere with the exercise of the learned Judge's judicial discretion.

We therefore order that the appeal do stand dismissed with costs to the respondent.

.....
.....
SATROHAN SINGH
Justice of Appeal

.....
I CONCUR

ALBERT REDHEAD
Justice of Appeal

.....
I CONCUR

.....

ALBERT N.J. MATTHEW
Justice of Appeal

[Ag.]