

COMMONWEALTH OF DOMINICA

IN THE HIGH COURT OF JUSTICE

DOMHCV 2000/096

BETWEEN:

ANDRELL LAVILLE

Claimant

and

MORRIS JOHNSON

Defendant

Before:

The Hon. Mr. E. Anthony Ross, QC

High Court Judge [Ag.]

Appearances:

Mr. Lennox Lawrence for the Claimant

Mr. Alick Lawrence for the Defendant

2009: May 14; 15;
July 13.

JUDGMENT


[1] **ROSS, J. [AG.]:** The Reply and the Defence to Counterclaim on file herein clearly states there was a first title that was issued to the claimant, Andrell Laville back in 1990, and there was a second title that was apparently issued to the defendant, Morris Johnson in February 2000.

[2] As I review the submissions of counsel for the defendant, he takes the position very correctly that it was wrong to have two titles issued for the same piece of land.

[3] It was not pleaded and I do not find that there was misrepresentation, fraud or anything to attack the title that was issued to the claimant, Andrell Laville, and I

therefore find that his title is complete *vis a vis* his relationship with the defendant Morris Johnson.

- [4] With respect to the declarations that were sought, I do not think that it is appropriate for me to go that far; my reason being that this dispute is between the parties and my ruling must only affect these parties. There is nothing before me upon which I can pronounce as to the title of the claimant and other possible parties that might bring further claim(s) with respect to the lands subject to this decision.
- [5] So that as far as Andrell Laville and Morris Johnson are concerned it is my ruling that the claim of Andrell Laville as it relates to the land in question succeeds and the Defence and Counterclaim of Morris Johnson fails.
- [6] I will go no further as far as damages are concerned because I am not satisfied that there was anything put before me to support any award of damages in favour of the claimant.
- [7] Costs to be paid by the defendant to the claimant as Prescribed Costs based on a claim for \$50,000.00 as provided for pursuant to Part 65.5(2) of the **Civil Procedures Rules 2000**. In keeping with Appendix B, costs are calculated in the sum of \$14,000.00.



E. Anthony Ross, QC
High Court Judge [Ag.]