

The Eastern Caribbean Supreme Court

Grenada

In the Court of Appeal

High Court Civil Appeal No. 1 of 2007

Garvey Louison, Liquidator of Bank Crozier Limited

Applicant

and

Daryl Sands, Controller of Bank Crozier Limited (In Liquidation)

and

**Peter I. Foster, Liquidator of Bank Crozier International Limited
(In Liquidation)**

Respondent

ORDER

CHAMBERS

BEFORE HIS LORDSHIP THE HON. DAVIDSON BAPTISTE, JUSTICE OF APPEAL [AG.] on the 4th day of February, 2010;

UPON READING the application for leave to appeal the decision of the His Lordship, the Hon. Hugh A. Rawlins, Chief Justice in the order dated 1st December, 2009 and perfected on 9th December, 2009 with accompanying affidavit in support and notice of appeal filed on 23rd December, 2009 by the applicant;

AND UPON READING the skeleton arguments of the applicant filed on 15th January, 2010;

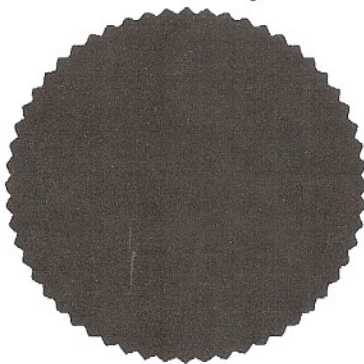
AND UPON READING respondent's written submissions opposing the application for leave to appeal and affidavit filed on 15th January, 2010;

AND UPON THE COURT being minded to refuse leave to appeal in that the application essentially concerns a challenge to the exercise of the discretion of the Chief Justice in awarding costs pursuant to rule 65.5 (2) of the Civil Procedure Rules 2000 on a matter in which there was no monetary value and no application was made to the court at case management conference pursuant to rule 65.6 (1) of CPR to determine the value to be placed on the claim. The court is not satisfied on the material presented and on the relevant law that the applicant has shown that the appeal has a realistic prospect of success or that there are other compelling reasons why the appeal should be heard;

IT IS HEREBY ORDERED THAT:

The application is referred to the Full Court for hearing at the sitting of the Court in Grenada scheduled for the week of 3rd to 7th May, 2010;

Dated the 4th day of February, 2010




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DEP.CHIEF REGISTRAR