

BARBADOS

IN THE SUPREME COURT OF JUDICATURE

COURT OF APPEAL

Civil Application No. 10 of 2019

BETWEEN:

PEARSON LEACOCK

Intended Appellant

AND

REPUBLIC BANK (BARBADOS) BANK Intended Respondent

Before: The Hon. Kaye C. Goodridge, The Hon. Francis Belle and The Hon. Jefferson Cumberbatch, Justices of Appeal

2020: January 28

Mr. Pearson Leacock for the Intended Appellant

Mr. Michael Koeiman of Clarke Gittens & Farmer for the Intended Respondent

ORAL DECISION

DELIVERED BY GOODRIDGE JA:

INTRODUCTION

[1] By an amended application filed on 9 September 2019, the intended appellant has applied to this Court pursuant to **CPR 62.6 (3)** for an order granting him leave to file and serve a notice of appeal against the decision of Master Deborah Holder given on 24 April 2019.

- [2] The application is supported by an affidavit of even date.
- [3] Mr. Leacock, counsel for the intended appellant has submitted that there are special reasons why the Court should exercise its discretion in his favour. He had identified these reasons as (1) his right under **s.18** of the **Constitution** and (2) the case raises a novel point of law.
- [4] Mr. Koeiman, counsel for the intended respondent has submitted that the application should be dismissed for the following reasons:
- (1) The application made by the intended appellant ought to have been an application for leave to file an application for leave to appeal out of time, in disregard of **CPR 62.2 (1)**.
 - (2) Even if the Courts treats the application as being in proper form, the intended appellant has not satisfied the criteria set out in the **CG1** case.
- [5] We have carefully considered the submissions of counsel and have determined that this is not an appropriate case for the exercise of this Court's discretion under **CPR 62.6 (3)** because:
- (1) There has been no adequate explanation for the delay.
 - (2) Having regard to the material which was before the Master, we are of the opinion that the intended appellant does not have a realistic prospect of success, and
 - (3) Further, there is no matter of law which requires clarification by this Court.

ORDER

[6] The application for an extension of time to seek leave to appeal is dismissed with costs to the intended respondent to be assessed if not agreed.

Justice of Appeal

Justice of Appeal

Justice of Appeal