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COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCivApp & CAIS No. 160 of 2023

AML Foods Limited

Intended Appellant

And

Craig F. Butler

(trading as C.F. Butler & Associates)

Intended Respondent

(Extension of Time)

Before: The Hon Sir Michael Barnett, President, Kt
The Hon Madam Justice Charles, JA
The Hon Mr Justice Smith, JA

Mr Marco Turnquest, Ms Chizelle Cargill, and
Ms Tonesa Munnings, Counsel for Intended Appellant
Mr Craig F. Butler appeared Pro se

9 November 2023

1 The oral judgment of the court was delivered by

2 Sir Michael Barnett, P, Kt:

3 The application before us is an application for
4 extension of time within which to appeal the decision of
5 Mr. Justice Brathwaite refusing the appointment of a receiver.
6 The application is out of time because the applicants were
7 waiting on the grant of leave by Justice Brathwaite because
8 the refusal was an interlocutory order. Although we are of
9 the view that there is no need for the leave of the Court in
10 order to appeal, we understand that out of an abundance of
11 caution they considered it important to obtain the leave of
12 the court. The application for an extension of time was made
13 shortly after the grant of leave and therefore the length of
14 the delay and the reason for the delay is understandable.

15 We considered the prospects of success. We are
16 satisfied that the appeal has good prospects of success
17 inasmuch as it appears to be apparent from the decision of
18 Mr. Justice Brathwaite that he exercised his discretion on the
19 basis that there was a charging order against a building when
20 in fact there was a charging order only against shares.

21 We also are satisfied that there is really no
22 prejudice to the intended respondent by the grant of the
23 extension of time.

24 In the circumstances, we grant the extension of time
25 to appeal. The Notice of Appeal should be lodged by Monday,

1 13th November, 2023.

2 We also will direct the Registrar to settle the
3 record of this appeal as quickly as possible and to have the
4 substantive appeal set down for hearing as soon as possible in
5 January of next year.

6 The respondent has indicated that he is not
7 resisting the judgment debt. In the circumstances, no doubt,
8 some steps will be taken by him to ensure that the debt is
9 settled before the substantive appeal is heard. Hopefully,
10 there will be no need to have the appeal heard in January of
11 next year. We say that out of an abundance of caution simply
12 because the respondent has in fact indicated that he is not
13 resisting the judgment debt, the judgment debt is valid and
14 enforceable, and it is his earnest desire to settle the debt.
15 No doubt, given what is happening, he will take steps to give
16 effect to the representations that he has made to the court.

17 That is the judgment of the court.

18

19 Dated this 9th day of November, 2023

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SIR MICHAEL BARNETT, P, Kt

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24 cn

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