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COMMONWEALTH OF THE BAHAMAS
IN THE COURT OF APPEAL
SCCivApp & CAIS No. 157 of 2023

Bernard A. Miller
(Plaintiff) Appellant

And

Ruby Mae Fox
John Wendell Archer

and

Samuel Spurgeon Archer
(As personal representatives in the estate of George and
John Archer, deceased)

(First Defendant) First Respondent

and

Harold Road Properties Limited

(Second Defendant) Second Respondent

BETWEEN:
2004/CLE/gen/01125

Harold Road Properties Limited

(Plaintiff) Respondent

And

Bernard Miller

(Defendant) Appellant

1 BETWEEN:
2006/CLE/gen/00344

2

3 Bernard Miller
4 (As Administrator in the Estate of
Elsie Agalla Franks, Deceased)

4

(Plaintiff) Appellant

5

And

6

7 Ruby Mae Fox
8 John Wendell Archer
9 Samuel Spurgeon Archer
(As personal representatives in the estate of George
and John Archer, deceased)

9

(First Defendant) First Respondent

10

and

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Harold Road Properties Limited

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(Second Defendant) Second Respondent

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14

(Stay)

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17 Before: The Hon Mr Justice Isaacs, JA
18 The Hon Mr Justice Smith, JA
The Hon Mr Justice Turner, JA

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20 Mr Sidney Dorsett, Counsel for Appellant
21 Mr Norwood Rolle, Counsel for Respondent

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15 November 2023

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1 The oral judgment of the court was delivered by

2 Isaacs, JA:

3 The application presently before the court, there is
4 none inasmuch as the putative appellant has failed to seek the
5 leave of the court below before bringing an appeal against an
6 interlocutory decision.

7 In the premises, the matter is taken out of the
8 calendar of the court. There is really nothing to dismiss,
9 but insofar as that is possible, the application is dismissed.

10 The costs for today's hearing are those of the
11 respondent and such costs are awarded in the sum of \$1,500.00.

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14 Dated this 8th day of November, 2023

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ISAACS, JA

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22 ss

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