COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCivApp & CAIS No. 281 of 2014

Birkley Wildgoose

Appellant

And

Commonwealth Bank Limited

Respondent

(For Mention)

Before: The Hon Dame Anita Allen, President
The Hon Mr Justice Isaacs, JA
The Hon Mrs Justice Crane-Scott, JA

Appellant appeared Pro Se
Mr Wayne Munroe, QC, Counsel, appeared as Amicus Curiae
Ms Giahna Soles-Hunt, Counsel for Respondent

16 February 2016

The oral judgment of the court was delivered by

Dame Anita Allen, P:

This is an application by the respondent pursuant to 14(3) of the Court of Appeal Rules for the dismissal of the extant appeal for non-compliance with the order of the Registrar which required the preparation of the record by the appellant and the payment of a bond. That order was given on 19th May, 2015. The bond was to be prepared and filed within 60 days of 19th May, 2015, and the bond of $1,500.00 was to be secured within 60 days.

To date the appellant has not complied with this order. This matter has been before the court for nearly a year and a half and is still not ready to be heard. There is no magic to preparing a record. Moreover, the appellant could have approached the court before now for the waiver of the bond with the appropriate application with affidavit in support. The rules are in place to ensure the efficient hearing of appeals and this, in our view, is a disregard of those rules and the procedure of this court.

In the premises, we refuse any further adjournment of this matter, and dismiss the appeal pursuant to rule 14(3) of the Court of Appeal Rules, with costs of the proceedings to the respondent, to be taxed if not agreed.

Dated this 16th day of February, 2016

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DAME ANITA ALLEN, P

ISAACS JA:

I agree.

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ISAACS JA

CRANE-SCOTT JA:

I also agree.

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CRANE-SCOTT JA

ss