THE REPUBLIC OF TRINIDAD AND TOBAGO

In the High Court of Justice

Claim No. CV2013-04516

PAUL SANKAR

KAY LEAH RAMLAL

(Legal Personal Representative for the estate of Elsie Sankar Ramlal)

DEORAJ SEEGOBIN

(Legal Personal Representative for the estate of Dolly Seegobin)

AGNES TULSIE

(Legal Personal Representative for the estate of Dolly Seegobin)

DEONARINE BRIDGELAL

(Legal Personal Representative for the estate of Bhago Bridgelal)

Claimants

AND

VERONICA NANAN

(Administratrix of the estate of Lall Nanan also called Lal Nanan who died on the 15th day of May 2003)

SUGANIA RAGHOO

(Sole Executrix of the estate of Nanan Sankar who died on the 17th day of April 1990)

Defendants

Appearances:

Claimants: Mrs. Mohanie Maharaj-Mohan

Defendants: Mr. Ernest H. Koylass SC instructed by Ms. Debbie Roopchand

Before The Honorable Mr. Justice Devindra Rampersad

Dated 7th December 2015

Reasons

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Introduction

1. On 7 December 2015 this court dismissed two applications filed on behalf of the 2nd and 5th claimants pursuant to Part 21.7 of the CPR and made the following order:

> *"1. The Notices of Applications filed 30th October, 2015 and 17th November, 2015 are dismissed.*
>
> *2. The Claimants shall pay the Defendant cost of the applications to be quantified by the Court in default of agreement.*
>
> *3. The Case Management Conference is adjourned for the Claimant to consider their pleadings to 18th January 2016 at 9:30 am in SF 04.*
>
> *IT IS ALSO ORDERED BY CONSENT that the proceedings are stayed until the next date of hearing."*

2. The court now produces its written reasons for having done so.

Background

3. On 6 November 2013 the claimants initiated this action in which it is alleged that they hold beneficial interests in property originally owned by Nanan Sankar (the deceased), now under the control of the defendants.

4. The deceased had seven children who, with the exception of the 1st claimant, are now deceased. This action was commenced on behalf of five of those seven children, the 1st claimant in his own capacity and, in the case of the other four claimants, purportedly by the legal personal representatives of their estates. The 1st defendant is the wife and administratrix of the estate of the eldest son of the deceased. The 2nd defendant is the common law wife and sole executrix of the estate of the deceased.

5. In their individual defences the defendants took issue with the capacity of the 2nd to the 5th claimants to bring the action as legal personal representatives of two children of the deceased as they had not been granted probate or letters of administration in relation to the estates of the parties they purportedly represent.

6. Thereafter, notices of application were filed on behalf of the 2nd and 5th claimants to have them be appointed representatives of the estates which they purportedly represent in these proceedings.

The applications

7. The application in relation to the 2nd claimant was filed on 30 October 2015 pursuant to Rule 21.7 (1), (2) and (3) of the CPR requesting that the court

appoint the 2nd claimant the legal personal representative of the estate of Elsie Sankar a/c Elsie Sankar Ramlal as she is the only biological child of Elsie Sankar whose husband died in the year 2000.

8. The application in relation to the 5th claimant was filed on 17 November 2015 pursuant to Rule 21.7 (1), (2) and (3) of the CPR requesting that the court appoint the 5th claimant the legal personal representative of the estate of Bhago Bridgelal a/c Bhago Nanan Sankar as she is the widower of Bhago Bridgelal.

9. In the alternative, both applications requested that the court make an order within its inherent discretion appointing any other person to represent the respective estates for the purpose of the proceedings.

10. The applications were heard on 7 December 2015. The court expressed its concerns about whether or not the application could be granted and posed the issue: whether someone can commence an action on behalf of the estate of a person who died intestate without having had an order of appointment? After referring to the learning on the matter, attorney for the 2nd and 5th claimants seemingly abandoned her arguments in favour of the applications and accepted that the applications may have been misconceived.

The law

11. In this matter, the 2nd and 5th claimants initiated these proceedings as legal personal representatives of two children of the deceased. However, an action commenced by a claimant in a representative capacity which the claimant does not possess is a nullifying defect which may be cured by a grant of probate but cannot generally be cured by a subsequent grant of letters of administration or an application pursuant to Part 21.7 of the CPR.

12. The ***Administration of Estates Act*** Chap. 9:01 provides at s 10(4):

> *"(4) On the death of any person all his estate real and personal whatever within Trinidad and Tobago* ***shall vest in law in the Administrator General until the same is divested by the grant of Probate or Letters of Administration to some other person or persons****….."* [emphasis added]

13. Further, causes of action subsisting against or vested in someone generally survive against, or for the benefit of, their estate upon their death.[1] However, the general position at common law is that a person who is not an executor or who has not obtained letters of administration of the deceased's estate may not bring an action for the benefit of the estate. Thus, legal actions in which a deceased person is interested ought properly to be initiated, or defended, by the person or persons to whom probate, in the case of a testate deceased, or letters of administration, in intestatcy, have been granted.

[1] See s 27(1) Supreme Court of Judicature Act Chap. 4:01

14. Counsel for the claimants has indicated that Elsie Sankar Ramlal and Bhago Bridgelal died intestate. Further, there was no mention of a will in relation to those two estates in the affidavits sworn by the 2nd and 5th claimants in support of their applications. The 2nd and 5th claimants could therefore only be permitted to bring a suit as legal personal representatives if they were appointed the administrators of the respective estates. However, counsel for the claimants admitted in court that they do not possess a grant of letters of administration.[2]

15. Although it is not disputed that the 2nd and 5th claimants may be entitled to obtain a grant of letters of administration, they were not entitled to commence this action in a representative capacity because they did not possess the grant at the time of initiating the action. An administrator derives his title wholly from the grant and has no title until the letters of administration are granted.[3] This has long been a principle of law accepted by the courts because of the nature of a grant of letters of administration. In the Privy Council case of ***SMKR Meyappa Chetty v SN Supramanian Chetty*** [1916] 1 AC 603 Lord Parker at pages 608 - 609 said:

> *"It is quite clear that an executor derives his title and authority from the will of his testator and not from any grant of probate. The personal property of the testator, including all rights of action, vests in him upon the testator's death, and the consequence is that he can institute an action in the character of executor before he proves his will. He cannot, it is true, obtain a decree before probate, but this is not because his title depends on probate, but because the production of probate is the only way in which, by the rules of the Court, he is allowed to prove his title.* ***An administrator, on the other hand, derives title solely under his grant, and cannot, therefore, institute an action as administrator before he gets his grant****"* [emphasis added]

16. As for the consequence of initiating an action in a representative capacity when the claimant does not have the required grant, Luxmoore LJ had this to say in the case ***Ingall v Moran*** [1944] KB 160 at pages 167- 169:

> *"It is, I think, well established that an executor can institute an action before probate of his testator's will is granted, and that, so long as probate is granted before the hearing of the action, the action is well constituted, although it may in some cases be stayed until the plaintiff has obtained his grant. The reason is plain. The executor derives his legal title to sue from his testator's will. The grant of probate before the hearing is necessary only because it is the only method recognized by the rules of court by which the executor can prove the fact that he is the executor.....An administrator is of course, in a different position, for his title to sue depends solely on the grant of administration. It is true that, when a grant of administration is made, the intestate's estate including all choses in action, vests in the person to whom the grant is made, and the title thereto then relates back to the date of the intestate's death* ***, but there is no doubt that both at common law and in equity, in order to maintain an action the plaintiff must have a cause of action vested in him at the date of the issue of the writ****……. It is true that a person who ultimately becomes an administrator may start proceedings in the Chancery Division for the protection of an intestate's estate, and can obtain in a proper case interim relief by the appointment of a*

[2] There was also no mention of any limited grants such as a grant of administrator ad litem
[3] See **Woolley v & Anor [1814-23] All ER Rep 584**

receiver pendente grant, but in all such cases the person who institutes such proceedings has a beneficial interest in the intestate's estate, for he would not obtain a grant unless he had such an interest either as heir at law or as one of the next of kin or as a creditor. In such cases the well recognized practice in the Chancery Division is to endorse the writ in the first instance for the only relief then obtainable, namely, the appointment of a receiver pendente grant, and to apply to amend the writ after the grant has been obtained, if further relief is required, by adding a claim for administration of the estate with or without specific directions with regard to any special relief required…….I have no doubt that the plaintiff's action was incompetent at the date when the writ was issued ……." [emphasis added]

17. In the case of **Ingall v Moran**, the plaintiff issued a writ in an action claiming to sue in a representative capacity as administrator of his son's estate but he did not take out letters of administration until nearly two months after the date of the writ. The county court judge found the principle of 'relation back' applied and as such the plaintiff had title to bring the suit. The defendant's appeal was allowed as, in the words of Scott LJ, "*the old writ was, in truth, incurably a nullity. It was born dead and could not be revived*.[4] The dicta in ***Ingall v Moran*** was applied in later cases including ***Hilton v Sutton Steam Laundry*** *[1946] KB 65*; ***Burns v Campbell*** [1951] 2 All ER 965 and ***Finnegan v Cementation Co. Ltd.*** [1953] 1 QB 688 which all concerned plaintiffs that sought to initiate proceedings in an administrative capacity when they had not yet received a grant. In all these cases it was held that the proceedings were a nullity.

18. The Privy Council later accepted these decisions in the case of ***Alexandrine Austin & Ors v Gene Hart*** [1983] 2 AC 640 which originated from Trinidad and Tobago. The House of Lords had to consider whether or not the initiation of proceedings by the dependants of a deceased person was a premature irregularity that rendered the proceedings a nullity. The action was commenced pursuant to s 8 of the Compensation for Injuries Ordinance Ch. 5 No.5 which required that every action in respect of injury resulting in death shall be brought by and in the name of the executor or administrator of the person deceased. That section also provided for the action to be commenced by the dependants of the person deceased where no executor or administrator brought the action within six months. The plaintiffs brought the action two days before the expiration of the six month period but during that six month period no action was commenced by an executor or administrator. The plaintiffs had initiated the action in their own names and were the persons entitled to bring the suit pursuant to the ordinance after the six month period. In delivering the judgment of the House, Lord Templeman engaged in the following analysis at pages 647-648:

"Section 8 (2) of the Ordinance does not expressly invalidate any action by a dependant within six months of the death if at the date of the writ there exists an executor or administrator. By November 4, 1974, it was certain that the dependants were entitled to bring proceedings, because it was certain that no executor or administrator had brought an action within that period of six months. Their Lordships are not convinced that a

[4] See **Ingall v Moran** at pgs 164-165 per Scott LJ

premature action is irregular although it may be stayed or dismissed if within six months of the death another action is brought by the executor or administrator. Their Lordships are satisfied that, if a premature action is irregular and the irregularity is of a kind, which, as in the instant case, was cured without amendment by the mere lapse of time and which causes no prejudice to the defendant, there is no reason for the court to insist that the irregularity nullifies and invalidates the whole proceedings. ***The modern approach is to treat an irregularity as a nullifying factor only if it causes substantial injustice****: see Marsh v. Marsh [1945] A.C. 271, 284. The premature issue of the writ in the present case did not cause any injustice at all. A bizarre and unjust result would follow if a writ issued on November 2, 1974, and served on November 4, 1974, were held to be a nullity whereas a writ issued and served on November 4, 1974, would plainly have been effective."* [emphasis added]

19. His Lordship continued by considering the earlier decisions mentioned above:

"On behalf of the defendant reliance was placed on authority for the proposition that proceedings are a nullity unless the plaintiff is entitled to sue at the date of the writ. ***In*** *Ingall v. Moran [1944] K.B. 160 the plaintiff sued as administrator and claimed damages under the Law Reform (Miscellaneous Provisions) Act 1934. The plaintiff was not an administrator at the date of the writ and did not obtain letters of administration until the limitation period had expired. It was held that the proceedings were a nullity. But in that case the plaintiff did not become entitled to sue until it was too late. In Hilton v. Sutton Steam Laundry [1946] K.B. 65 the plaintiff claimed as administratrix under the provisions of the Fatal Accidents Act 1846 which correspond to section 8 of the Ordinance. The plaintiff was not an administratrix at the date of the writ and sought to amend so as to sue as a dependant widow. The Court of Appeal refused to allow the amendment and following Ingall v. Moran held that the plaintiff was not entitled to continue her action as administratrix. In Finnegan v. Cementation Co. Ltd. [1953] 1 Q.B. 688 the plaintiff claimed in the writ as administratrix, though in the statement of claim she pleaded that she was both the widow and the administratrix. The Court of Appeal following their earlier decisions held that the plaintiff was not entitled to continue the action or to amend. The plaintiff was not the administratrix and never became entitled to sue in that capacity.* ***None of the other authorities cited by counsel for the defendant carries the matter any further.***

In the cited cases the plaintiff did not have any right to sue in the capacity claimed. In the present case the plaintiffs were entitled to sue in the capacities in which they claimed provided, as happened, no executor or administrator intervened to bring an action within six months of the death of the deceased. In Ingall v. Moran [1944] K.B. 160, 169 Luxmoore L.J. could not help "feeling some regret." In Hilton v. Sutton Steam Laundry [1946] K.B. 65, 73 Lord Greene M.R., was not "averse to discovering any proper distinction which would enable this unfortunate slip to be corrected." In Finnegan v. Cementation Co. Ltd. [1953] 1 Q.B. 688, 699 Singleton L.J. lamented "that these technicalities are a blot on the administration of the law, and everyone except the successful party dislikes them." Accepting, without approving, the decisions of the Court of Appeal which have been cited, their Lordships see no reason to encourage any extension of their ambit." [emphasis added]

20. As can be discerned from Lord Templeman's analysis, the dicta espoused in ***Ingall v Moran*** has been accepted by the Privy Council despite his Lordship having introduced an advocatory appeal for what was then seen as 'the modern approach' of treating irregularities as a nullity only where it causes substantial injustice. This case can however be distinguished by the fact that the plaintiffs in ***Austin v Hart*** commenced their action in their personal capacities and not in a representative capacity. As contemplated in ***Ingall v Moran***, in cases such as this present matter, it is advised that the plaintiff/claimant who do not possess a grant of representation but wishes to bring an action for the benefit of the estate must first initiate an action in their own names seeking an order appointing them for that purpose and then proceed to the commencement of the representative action.

21. Further support for the principles articulated in the case of ***Ingall v Moran*** is found in the recent United Kingdom court of appeal decision of ***Millburn-Snell & Ors v Evans*** [2012] 1 WLR 41**.** In that case the claimants were the daughters of a person who died intestate. The claimants brought a claim purportedly on behalf of his estate, though they had not obtained a grant of letters of administration. At first instance the matter was struck out. On appeal, Rimer LJ gave the lead judgment of the court and stated "*I regard it as clear law, at least since Ingall, that an action commenced by a claimant purportedly as an administrator, when the claimant does not have that capacity, is a nullity.*"[5]

22. In ***Millburn-Snell v Evans*** the court was asked to exercise its jurisdiction pursuant to rule 19.8(1) of the UK CPR which fell under Part 19 – Parties and group litigation. Rule 19.8(1) of the UK CPR permits the court to appoint a representative to represent the estate of a deceased where the deceased has died. In rejecting the suggestion Rimer LJ stated further at paragraph 30:

> *"But on any basis it appears to me clear that it is no part of the function of rule 19.8(1) to cure nullities and give life to proceedings such as the present which were born dead and incapable of being revived. In ordinary circumstances there is no reason why anyone with a legitimate interest in bringing a claim on behalf of an intestate's estate should not first obtain a grant of administration and so clothe himself with a title to sue. I am unable to interpret rule 19.8(1) as providing an optional alternative to such ordinary course."*

23. Lord Neuberger agreed with the decision of Rimer LJ and made the following comment at paragraph 41:

> *"Arguments such as that which the defendant successfully raised before the judge in this case are never very attractive, and one of the purposes of the CPR is to rid the law of unnecessary technical procedural rules which can operate as traps for litigants. However, whatever one's views of the value of the principle applied and approved in Ingall v Moran [1944] KB 160 , it is a well-established principle, and, once one concludes that it has not been abrogated by CPR rule 19.8 , it was the judge's duty to follow it, as it is the duty of this court, at least in the absence of any powerful contrary reason.* ***The need for***

[5] See **Millburn Snell v Evans** at para 16 per Rimer LJ

***consistency, clarity and adherence to the established principles is much greater than the avoidance of a technical rule, particularly one which has a discernible purpose, namely to ensure that an action is brought by an appropriate claimant.*"** [emphasis added]

24. Though not applied to that matter, the Court of Appeal considered the views of Lord Neuberger as pertinent and worth consideration in the case of ***Leo Abraham & Ors v Doll Basdeo*** Civil Appeal No. 74 of 2012.[6] Though the Court of Appeal did not expressly accept the principles emanating from the case it did reject the submissions of the parties that the principle there adopted, as articulated in ***Ingall v Moran***, was good law.

25. However, in ***Millburn-Snell v Evans*** there seems to have been no consideration of the Privy Council case of ***Austin v Hart*** and the 'modern approach' of treating an irregularity as a nullifying factor only if it causes substantial injustice to the defendant. Recently, however, in the Chancery court Smith J considered whether an action brought in a representative capacity without a grant rendered the case a nullity in the decision of ***Meerza v Al Baho*** [2015] EWHC 3154 (Ch). Smith J made no reference to the case of ***Austin v Hart*** but decided that the action could be allowed to proceed because the court had the discretion to apply the overriding objective to ensure that any technical objections, whether procedural or a matter of law, could be overcome provided it was just to do so. In that case, among other issues, the court was asked to consider whether actions started by the third claimant, on behalf of her deceased father's estate, was a nullity in light of the fact that she did not have a grant of letters of administration at the time of filing the actions. Smith J considered many authorities which suggested that the court has a general discretion which should not be restricted by hard and fast rules of practice. At paragraph 46 Smith J said:

"It seems to me that based on those authorities (which were not cited in the cases relied upon by Mr Davies) I have a discretion under CPR 3 to apply the overriding objective to enable cases to be dealt with justly. In particular based on Chadwick LJ's observations above it seems to me clear that that power can be used to ensure that any technical objections whether procedurally or a matter of law can be overcome provided it is just so to do. In the present case it is clearly just to accede to an application to amend to perfect the claim by reason of the grant of the letters of administration if that were necessary. The following reasons justify in my view that decision. First the Defendants in the earlier actions as I have set out above did not until 25th April 2012 make any challenge to the jurisdiction of Sheikha Hind to bring any proceedings; they admitted she had. Second significant costs in the actions sought to be struck out will be carried forward in to the fourth action. Third there is no prejudice as the fourth action will still proceed. If I make an order that all of the costs are costs in the case in the Third Action that will be easier. First it will avoid giving the taxing judge the difficult task of identifying which part of the costs are capable of being saved in the Third Action which were not. Second the putting of

[6] The views expressed by Lord Neuberger were not applied because the principle was not applicable to the case in that the Court of Appeal held that the claimant/respondent had the capacity to initiate the proceedings because she had been appointed administratrix ad litem

the costs in the case of course means that Mr Al Baho will if his defence is successful obtain the costs in any event."

26. It may be that Smith J was able to discern the proper distinction which would enable the unfortunate slip to be corrected by the application of the ***Ingall v Moran*** principle as suggested in ***Hilton v Sutton Steam Laundry***. However, that decision, having only been delivered November 3rd 2015 remains to be tested. While it is plausible that the prejudice to the claimant which was occasioned by the defendants inaction, may have warranted such an approach by Smith J any such argument to dispel with the ***Ingall v Moran*** dicta must take into consideration the statements of Rimer LJ in ***Millburn-Snell v Evans*** at paragraph 34 when his Lordship remarked:

"In particular, I find it surprising that claimants who are so imprudent as to lend their names to an untruthful statement of claimed truth that they had a title to sue when they did not should be heard to criticise a misled defendant for not exposing their own untruth at an earlier stage—criticism advanced, moreover, without any evidence suggesting that the defendant was in a position to do so at any such stage."

27. Therefore, to my mind, the general principle thus remains that proceedings commenced in a representative capacity without the necessary grant are a nullity and cannot be cured by a subsequent grant or appointment. This was the same result that this court reached in the case of ***Arjin Sammy v Catherine Earle*** HCA 1280 of 2003. As raised by Rimer LJ, how can any purported claimant affix his/her name to a statement of truth in relation to the authority to bring a claim when no such authority exists at the time when the statement of truth is signed? Even if it can be argued that the court has the discretion to consider appointing a representative in an attempt to cure the initial defect, because perhaps substantial injustice would result, rule 21.7 of the CPR is not the appropriate mechanism.

28. Mohammed J, in the case of ***Ramlogan Roopnarine Singh & Ors v Ralph Ramjohn & Sabita Ramnarine*** CV2014-03884, made the observation that rule 19.8(1) of the UK CPR was the equivalent to rule 21.7 of the Civil Proceedings Rules 1998 of Trinidad and Tobago. Like rule 19.8(1) of the UK CPR, rule 21.7 is to be found under Part 21 of the CPR which deals with the appointment of representative parties where five or more persons have the same or a similar interest in the proceedings. Rule 21.7 is headed "Proceedings *against* the estate of a dead party" and provides:

21.7 (1) Where in any proceedings it appears that a dead person was interested in the proceedings then, if the dead person has no personal representatives, the court may make an order appointing someone to represent his estate for the purpose of the proceedings…."

29. In ***Millburn-Snell v Evans*** Rimer LJ made the following observations in relation to rule 19.8(1) of the UK CPR and said at paragraph 30:

"The reason that any such application should and would have failed is because rule 19.8(1) does not, in my view, have any role to play in the way of correcting deficiencies in the manner in which proceedings have been instituted. It certainly says nothing express to

that effect and I see no reason to read it as implicitly creating any such jurisdiction. It is, I consider, concerned exclusively with giving directions for the forward prosecution towards trial of validly instituted proceedings when a relevant death requires their giving. In the typical case, that death will occur during their currency and will usually be of a party. More unusually, it may have preceded them."

30. Mohammed J, in ***Singh v Ramjohn,*** opined that the ruling in relation to rule 19.8(1) in ***Millburn-Snell v Evans*** would be equally applicable in Trinidad and Tobago. For this reason Mohammed J held that rule 21.7(1) applies to proceedings which were **validly instituted in the first place** and does not apply so as to give life to, or revive proceedings which were dead at the outset.[7] The issues there arising in ***Singh v Ramjohn*** were on all four with those which this court is asked to address in this matter.

31. The 2nd and 5th claimants' inability to rely of rule 21.7 of the CPR is also evident when one considers that applications under that rule are contemplated to be made by claimants where they desire to bring or continue an action in which a deceased person is interested. After considering Part 21 of the CPR Rahim J made the following observations about that rule in the case of ***Anthony Jackson v James Seurajh*** in CV 2012-05167:

"25. …….In this way the provisions of the CPR acknowledge that there are circumstances in which a claim would be instituted without knowledge that the Defendant is in fact deceased and recognizes that in those circumstances there must be a stay of further proceedings until adequate arrangements are made for a representative to be appointed. ***The Rules therefore identify three broad categories. The first is when a claim is instituted and the defendant dies thereafter in which case the proceedings are stayed [rule 21.9 (5)]*** *and an application for substitution is made (rule 19.5).* ***The second is when it is known prior to the beginning of any proceedings that a deceased person has an interest in those proceedings. In that case there is also a stay of any proceedings (which in this case means for practical purposes that a claim cannot be filed) by virtue of rule 21.7 (4) and the claimant applies for an order that a representative be appointed [rule 21.7 (1)]. The third is when any proceedings (whether a claim or otherwise) are begun and it becomes apparent during the process that a named party in fact died prior to the filing of the claim. In those circumstances, the claim is stayed by virtue of rule 21.7 (4) until a representative is appointed."*** [emphasis added]

Analysis

32. The applications having been made after the 2nd and 5th claimants initiated proceedings in a representative capacity without having been named executors or possessing a grant of letters of administration, and having been made pursuant to rule 21.7 of the CPR, were bound to fail. Even if the court had

[7] See **Singh v Ramjohn** at para 32

discretion to cure the defect because of extreme prejudice to the claimants, as was successfully argued in ***Meerza v Al Baho***, there is no evidence of any prejudice to the extent as was present in that case. The matter is still in case management conference and the challenge to the 2nd and 5th claimants' capacity was made at a very early stage in the defence of both defendants.

33. The court having been cognizant of the law was bolstered in its position by the representations of counsel for the claimants who conceded and instead requested time to consider what, if any, amendments were to be made to the claim form and statement of case. This was necessary as the natural result of dismissing the applications would mean that the 2nd and 5th claimants had no locus to initiate their claim and so the claim in relation to those two claimants may eventually, subject to the submissions of counsel, be struck out.

The Order

34. As a result of the foregoing, this court made an order that the notices of application filed 30th October, 2015 and 17th November, 2015 were dismissed.

35. The 2nd and 5th claimants were ordered to pay the defendant's costs of the applications to be quantified by the court in default of agreement.

36. The case management conference was then adjourned for the claimants to consider their pleadings to 18 January 2016 at 9:30 am in SF 04.

37. The proceedings were stayed until the next date of hearing.

/s/ Devindra Rampersad
Devindra Rampersad
Judge

Assisted by
Charlene Williams
Attorney at law
Judicial Research Counsel