

IN THE SUPREME COURT OF BELIZE 2008

CLAIM 333 OF 2008.

BETWEEN:

CARIBBEAN CONSULTANTS &
MANAGEMENT LTD.

CLAIMANT

AND

1. ATTORNEY GENERAL

DEFENDANTS

2. HON. DEAN BARROW
MINISTER OF FINANCE

3. THE HON. GASPER VEGA
MINISTER OF NATURAL RESOURCES

Mr. Andrew Marshalleck & Mrs. Naima
Badio for the claimants.

Ms. Lois Young Barrow S.C,
and Douglas Carr for Defendants

AWICH J.

14.7.2008

R U L I N G

1. This fixed date claim dated 22.5.2008, comes to court today for first hearing, which was adjourned from 19.6.2008. The defendants and their attorneys did not attend on that occasion. The adjournment was because time for the defendants to file defences or affidavit in lieu had not expired, not because the defendants did not attend. The adjournment was to today 14.7.2008, a date long enough for the defendants to respond to the claim, if served on them.

2. Today, 14.7.2008, the court has on the case file an application by the defendants requesting extension of time to file their defences. They have given as reasons, that the Solicitor General and a Crown Counsel suddenly resigned, and that they have good defences. Learned counsel Mr. A. Marshalleck for the claimant, spoke at length in opposition to the application. He gave much details of the facts and pointed to the very long time that discussion between parties has taken, and what he said were agreements between the parties.

3. The first reason given by learned counsel Ms. L. Young Barrow S.C., for the defendants, is, in my respectful view, a good reason. I have on many occasions extended time or set aside orders in claims between

private parties for reasons such as change of attorneys or default by attorney, when in the particular circumstances refusal would be unfair to the applicant.

4. The claim in this case is for the reliefs of a declaration of a breach of the Constitution and a mandatory injunction directed to the two Ministers. The claim arises from a judgement by Madam Justice, M. Arana in an earlier claim, but which was about the same subject matter as in this claim. The claimant says the defendants have failed to pay compensation for land acquired. The sum claimed is \$4,017,307.26. The defendants say the sum is \$1,444,167.51, and that they have not failed to pay, they have made part payment of \$797,214.39, their intention is to make further payment. They also say there is discrepancy in the acreage of the land. These are questions of facts serious enough to warrant further investigation by court.
5. I allow the application and grant permission to the defendants to file defence late, not later than Monday 28th, July 2008. Costs of this application are awarded to the claimant in any event.

6. Trial date is Thursday 16th October 2008 at 9 am. There is no need for a further direction hearing, but parties are given permission to apply, on usual notice, to be heard for direction orders.

7. I raised the question, why the Attorney General together with the Minister of Finance and the Minister of Lands and Natural Resources were cited together. The response by Mr. Marshalleck was that there had been many cases brought that way, and that this claim is a constitutional claim. If he meant that this is a claim on the so called Crown's Side and not a civil proceeding, then there is no need to cite the Attorney General. If the claim is a civil proceeding, then there is no need to cite the two ministers. I shall not make an order about it at this stage, but invite parties to address court about it at the hearing.

8. Delivered this Monday July 14th 2008
At the Supreme Court of Belize
Belize City

Sam Lungole Awich
Judge