

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MR JUSTICE BROOKS P
THE HON MISS JUSTICE EDWARDS JA
THE HON MR JUSTICE LAING JA (AG)**

APPLICATION NO COA2023APP00274

BETWEEN	A & A LIME HALL DEVELOPMENT COMPANY LIMITED	APPLICANT
AND	MB DEVELOPMENT & INVESTMENTS LIMITED	RESPONDENT

**Ms Arlene Gaynor appearing in person and unrepresented for the applicant
Keith Bishop and Ms Shanique Scott instructed by Bishop & Partners for the
respondent**

10 April 2024

Endorsement read by Brooks P

The court is satisfied that the applicant had a good chance of success on appeal in arguing that the learned judge, who heard the summary judgment application, could have determined the case at the Supreme Court on an interpretation of the special condition of the agreement for sale.

In the circumstances, although there was a delay between February and June 2023 when the application for leave was filed in the court below, we will not consider that as determinative of the application since the applicant was without the benefit of counsel at the time and indicated at an early stage an intention to apply for leave to appeal.

The orders are:

1. The application for extension of time within which to apply for leave to appeal is granted.

2. The time for filing the application is extended to 29 November 2023 and the application for leave to appeal filed on that date is deemed to have been properly filed.
3. Leave to appeal is granted.
4. Costs to the respondent to be agreed or taxed.