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**NOTICE TO PARTIES OF THE COURT'S
MEMORANDUM OF REASONS FOR DECISION**

APPLICATION NO COA2023APP00178

BETWEEN	CAPITAL HOLDINGS LIMITED	1ST APPLICANT
AND	GEORGE PLUMMER	2ND APPLICANT
AND	SHARON PLUMMER	3RD APPLICANT
AND	NATIONAL HOUSING TRUST	RESPONDENT

TAKE NOTICE that this matter was heard by the Hon Mr Justice Brooks P, the Hon Mrs Justice Sinclair-Haynes JA and the Hon Miss P Williams JA on the 29th day of January 2024, with Mr Mikael Lorne for the applicants and Mr Jonathan Morgan instructed by DunnCox for the respondent.

TAKE FURTHER NOTICE that the court's memorandum of reasons as delivered orally in open court by the Hon Mr Justice Brooks P is as follows:

[1] This is an application for extension of time to file a notice and grounds of appeal against the order of Staple J made on 14 July 2023, when he refused an application by Capital Holdings Limited, Mr George Plummer and Ms Sharon Plummer ('the applicants') for an injunction against the National Housing Trust ('NHT'), which is the respondent in the application.

[2] Although Mr Morgan, for the NHT, raised a certain procedural issue, it is not necessary to resolve this as Mr Mikael Lorne, on behalf of the applicants, has quite properly conceded that it is not apparent that the learned judge erred in the exercise of his discretion in refusing the application for injunction.

[3] The applicable test in these circumstances is set out in **Hadmor Productions Ltd and others v Hamilton and others** [1982] 1 All ER 1042.

[4] We agree with Mr Lorne's assessment as the learned judge carefully dealt with the application before him using the standard set out in **American Cyanamid Co v Ethicon Ltd** [1975] AC 396 and **National Commercial Bank Jamaica Ltd v Olint Corp Ltd** [2009] UKPC 16. He found that there was no serious issue to be tried and that damages would, in any event, have been an appropriate remedy for the applicants. He also found that the balance of convenience favoured the NHT.

[5] We cannot fault the learned judge's assessment. Therefore, the application before us must be refused.

[6] In the circumstances, we make the following orders:

1. The application for extension of time within which to file a notice of appeal is refused.
2. Costs to the respondent to be agreed or taxed.