

IN THE COURT OF APPEAL

CAYMAN ISLANDS CIVIL APPEAL NO. 7/68

BEFORE: The Hon. Mr. Justice Moody (Presiding)
The Hon. Mr. Justice Eccleston, J.A.
The Hon. Mr. Justice Luckhoo, J.A.

HEBE MARIE CONNORS v. GEORGE JOSEPH CONNORS

Mr. K. Brandon for Appellant

2nd December, 1968

MOODY, J.A.

This is an appeal from the order of the learned Judge of the Grand Court of Cayman made on the 19th of February, 1968, granting a postponement to the respondent on the ^{Appellant's} ~~Appel Court's~~ petition for divorce on grounds of cruelty, to enable him to file an answer.

In the course of the proceedings a submission was made to the learned Judge relative to the rules governing the practice and procedure in presenting petitions for divorce. In regard to that the learned Judge made an order that the pleadings should be amended so that they should conform with the rules of the Supreme Court of Judicature of Jamaica.

It has not been argued here with any seriousness that the learned trial Judge was wrong in having granted a postponement. The main line of argument here has been that the Registrar or the Clerk of the Courts, although he had not given a certificate that the proceedings were in order as is required before the case is tried, it must be deemed that he had so given the certificate because the case had in fact been

set down for trial on the 12th of February.

In our view we can find no merit in that submission. On examining the papers for ourselves it is conspicuous that the certificate could not have been given by the learned Registrar of the Grand Court as it does not appear that the papers were in order. The result therefore is that the appeal should be dismissed and the judgment of the Judge of the Grand Court granting the postponement confirmed and the order of the Judge of the Grand Court relative to pleadings should be varied so as to read, 'Put in order,' instead of the word, 'Amended,' on page 14 of the record.

There will be no order as to cost.

ECCLESTON, J.A.

I agree.

LUCKHOO, J.A.

I agree.