

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE STRAW JA
THE HON MRS JUSTICE FOSTER-PUSEY JA
THE HON MRS JUSTICE V HARRIS JA**

APPLICATION NO COA2022APP00206

**BETWEEN DAVID COUSINS APPLICANT
AND MONICA DAVIS RESPONDENT**

The applicant in person

No appearance for the respondent

15 May 2024

Endorsement read by Foster-Pusey JA

[1] The applicant, who is self-represented, seeks the following orders:

“(1) Grant the applicant an extension of time within which to file the record of appeal (Notice of Appeal) within the parish court division.

(2) Grant the applicant a ‘compel order’ against the parish court to furnish the applicant with a copy of the trial judge’s decision.

(3) Waiver of filing fee to proceed on appeal due to the merit of succeeding.”

[2] We treated this application as an application for an extension of time to file a notice of appeal. The applicant’s attempt at giving a verbal notice of appeal in the Parish Court was ineffective and was “rendered a nullity” by his failure to perfect it by paying the sum of money lawfully due at the time (see **Mark Younis v Alvin Ranglin t/a GG Record** [2020] JMCA App 21 at para. [29]). However, the court has power to extend the time for him to file his notice of appeal, (see **Ralford Gordon v Angene Russell** [2012] JMCA App 6 at para. [64] and section 12 of the Judicature (Appellate

Jurisdiction) Act. Upon the court extending time, the applicant must comply with the procedural requirements.

[3] There is no basis for the waiver of payment of the required fee of \$5000.00 as security for “the due prosecution of the appeal” or the \$15,000.00 fee for “the due and faithful performance of the judgment and orders of the Court of Appeal”. Section 254 of the Judicature (Parish Court) Act, which allows for such a waiver, is not applicable in this matter.

[4] The applicant must, therefore, comply with the following requirements outlined in section 256 of the Judicature (Parish Court) Act:

“a. Pay the required fee of \$5000.00 as security for the due prosecution of the appeal at the same time as the filing of the notice of appeal.

b. Pay the sum of \$15,000.00 for the security for the ‘due and faithful performance of the judgment and orders of the Court of Appeal’ within 14 days after the appeal is filed.”

[5] The applicant has already been provided with a copy of the reasons for the decision of the learned Parish Court Judge.

[6] It is clear that the applicant, as a self-represented litigant, has been expending much effort to have his appeal progress but has been hampered by lack of knowledge of the legislative requirements. In accordance with section 266 of the Judicature (Parish Court) Act, his pursuit of his appeal will be facilitated once he complies with the legislative requirements.

[7] The court, therefore, orders:

- (1) The application for extension of time to file notice of appeal is granted.
- (2) The applicant is to file the notice of appeal on or before 29 May 2024.

- (3) The applicant is to serve a copy of this order and the notice of appeal on the respondent on or before 12 June 2024.
- (4) No order as to costs.