

1 **IN THE COURT OF APPEAL FOR THE CAYMAN ISLANDS**
2 **HOLDEN AT GEORGE TOWN, GRAND CAYMAN**
3

4 **CIVIL APPEAL NO. M3 OF 1998**
5 **CIVIL APPEAL NO. 6 OF 1987**
6 **GRAND COURT CAUSE NO. 68 OF 1987**
7

8 BETWEEN CHARLES KRAUSE

9 PAUL COMMARATO

10 CARLTON ACKROYD

RESPONDENTS/PLAINTIFFS

11 AND THE DAYTONA LAND CO. LTD. RESPONDENT/SECOND PLAINTIFF

12 AND EDMUND C. (JACK) BODDEN DEFENDANT

13 AND MARY B. TKACH-BODDEN APPELLANT/SECOND

14 DEFENDANT

15
16 Before: The Rt. Hon. The President Mr. Justice Edward Zacca P.C., O.J.
17 The Rt. Hon. Mr. Justice Telford Georges P.C., J.A.
18 The Hon. Mr. Justice Gerald Collett J.A.
19



20 **REASONS FOR ORDER**
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22 On April 20 1998. The court refused an application brought by Mary B. Tkach Bodden for
23 leave to appeal to Her Majesty in Council from a judgment of this court given on November
24 27, 1997.
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26 It is necessary to set out a brief summary of the reasons for the dismissal of the appeal on
27 November 27, 1997. This was an appeal against the Order of Douglas J. made on
28 September 17, 1987. Mr. Forde for the appellant informed the court that the Notice and
29 Grounds of Appeal on which he relied were filed on October 9 1997.
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31 However in the course of the hearing, Mr. Forde stated that the records of the court also
32 included a Notice of Appeal dated November 19, 1993. This document did not form part of
33 the appeal bundle. The court agreed that the notice filed in 1993 would be taken as the date
34 of the filing of the Notice of Appeal.

1 The reasons for the orders of Douglas J. were given on September 17 1988. The court
2 records show that a letter dated March 7, 1988 was sent to the appellant informing her that
3 the reasons for the order had been given and was on file in the Courts Office.

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5 The filing of the Notice of Appeal and Grounds of Appeal filed on November 19, 1993 were
6 hopelessly out of time. Mr. Forde conceded this and stated that there was no application
7 before the Court for an extension of time for the filing of the Notice and Grounds of Appeal.

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9 There was therefore no appeal before the court on November 27, 1997.

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11 For these reasons, the application was refused on April 20, 1998.

12
13 The 30th day of July 1998.

14
15 ZACCA, P

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17 GEORGES, J.A.

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19 COLLETT, J.A.

