

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Side

Com/Bnk/00031/2015

IN THE MATTER of the Bankruptcy Act Chapter 6, Statue Laws of the Bahamas

Re: RICHARD L. BOODLE

Ex Parte REBECCA VALREJEAN

(A Judgement Creditor)

Before: The Honourable Mr. Justice Gregory Hilton

**Appearances: Miles Parker along with Robertha Quant for
Judgement Creditor**

Carlton Martin for Judgement Debtor

Richard L. Bootle

Hearing Dates: 12th April 2019

RULING

1. On 5th February 2019 this court made a ruling with respect to whether the Judgement debtor was served with the Petition and originating process preliminary documents prior to the grant of the Default Judgement dated 5th February 2015 and prior to the hearing of the Bankruptcy proceedings which resulted in the Order of Adjudication of 8th June 2016.
2. The Court, after hearing evidence from the Judgement debtor and the witnesses for the Judgement Creditor ruled on 5th February 2019 that it was satisfied by the evidence that the Judgement debtor was properly served.
3. The Judgement debtor by Summons filed on 12th February 2019 and Notice of Motion filed 8th March 2019 sought leave of the court pursuant to section 11 of the Court of Appeal Act to appeal the ruling/order of the court given on 5th February 2019 on the basis that it was an interlocutory order; And for a stay of the proceedings pending the determination of the appeal.
4. Counsel for the Judgement Creditor contested the application for leave on the basis that the Adjudication Order was a final Order and as the Judgement debtor did not appeal the Adjudication Order made on 16th June 2016 he should not now be granted leave to appeal at this late stage.
5. I am of the view that the Ruling/Order made on 5th February 2019 was not an interlocutory verifying the issue of service and as such the Adjudication Order (which is a final order) cannot now be appealed without leave by the Court of Appeal.
6. Consequently this court will not grant leave to the Judgement debtor.
7. The issue of a stay of proceedings does not arise.

Dated this 17th day of April 2019.

The Hon. Mr. Justice Gregory Hilton

