

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT**

**COMMON LAW AND EQUITY DIVISION  
2018/CLE/gen/00169**

**IN THE MATTER of an Agreement for Sale dated the 21 day of September A.D. 2016 and made between BAHAMAS SUPERMARKET Limited PENSION PLAN LIMITED (as Vendor) and AML FOODS LIMITED (as Purchaser) for the sale of the free hold property known as ALL THAT piece or parcel of land formerly lot numbers 6, 7, and 8 and a portion of a reserve on the plan recorded in the Department of Lands and Surveys as Plan Number 579 of New Providence Road Industrial Site on Independence Drive in the Eastern District of the Island of New Providence one of the Islands of the Commonwealth of The Bahamas.  
AND IN THE MATTER the law of Conveyancing and Property Act.**

**BETWEEN**

**AML FOODS LIMITED**

**Plaintiff**

**AND**

**DENNIS WILLIAMS**

**ROSALIE McKENZIE**

**(Trustees of The Bahamas Supermarkets Employee Retirement Fund)**

**1<sup>st</sup> Defendants**

**AND**

**BSL RETIREMENT PLAN LIMITED**

**2<sup>nd</sup> Defendant**

**AND**

**WHANSLAW TURNQUEST**

**(Representative of the Beneficiaries of BSL Profit Sharing Retirement Plan)**

**3<sup>rd</sup> Defendant**

**AND**

**ABDAB PROPERTIES LIMITED**

**4<sup>th</sup> Defendant**

**Before: The Hon. Madam Justice G. Diane Stewart**

**Appearances: Ms. Chizelle Cargill along with Mr. Marco Turnquest for the Plaintiff  
Mr. Myles Parker along with Mr. Roger Minnis for the First Defendant  
Mr. Desmond Edwards for the Second Defendant  
Mr. Rouschard Martin for the Third Defendant  
Ms. Judith Smith for the Fourth Defendant**

**Ruling Date: 3<sup>rd</sup> April, 2023**

## RULING

1. By summons filed on 21<sup>st</sup> May, 2020 the Third Defendant seeks leave pursuant to Order 20 Rule 5 to Re-amend his Amended Defence and Counterclaim.
2. His application was supported by his affidavit filed on 25<sup>th</sup> May, 2020, which, had attached to the same, the proposed draft amendment.
3. By virtue of Order 20 R.5 the court in the exercise of its discretion can grant leave to a Plaintiff to amend his writ or pleading at any stage of the action.
4. This rule is subject to Order 15 Rules 6, 7 and 8.
5. By virtue of Order 15 Rule 6 the court may at any stage of the proceedings add parties whose presence is necessary to ensure that all matters in dispute may be effectively and completely determined.
6. By this application, the Third Defendant seeks to amend his counterclaim to plead certain claims against the parties to the counterclaim inclusive of two new parties.
7. I am satisfied, having heard and read the submissions of the Third Defendant as well as the objections by the First Defendants that although the risk to an amendment to a counterclaim such as this may make the prosecution of the action lengthy, based on the facts apparent thus far in this case and what is being claimed in the original action, and the proposed counterclaim, the additional parties and averments are necessary to ensure that all of the issues are properly ventilated at the same time. The Third Defendant will bear the consequences in costs if unsuccessful at trial.
8. I hereby grant the Third Defendant leave to re-amend his defence and counterclaim in the manner of the draft attached to his affidavit filed 23<sup>rd</sup> May, 2020 subject to the payment of costs to all parties consequential to the amendment.
9. The Third Defendant shall file his amended pleading in the format prescribed under the Civil Procedure Rules 2022 within 7 days of the date of this order and all parties shall have the requisite period prescribed under the Civil Procedure Rules 2022 to reply to the same.

**Dated this 3rd day of April, 2023**



**Hon. Madam Justice G. Diane Stewart**