

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE P WILLIAMS JA
THE HON MRS JUSTICE V HARRIS JA
THE HON MR JUSTICE BROWN JA**

APPLICATION NO COA2025APP00060

BETWEEN	MICHAEL ADAMS	APPLICANT
AND	ANTHONY ARMSTRONG	RESPONDENT

Hadrian Christie instructed by HRC Law for the applicant

Hugh Wildman and Shemar Bryan instructed by Hugh Wildman & Co for the respondent

10 and 11 November 2025

Endorsement read by P Williams JA

[1] Before us is a notice of application for court orders, filed on 2 April 2025, by the applicant, Mr Michael Adams, seeking leave to appeal the orders of Mott Tulloch-Reid J ('the learned judge') made on 19 March 2025, striking out the claim for breach of trust and fraud which he filed against the respondent, Mr Anthony Armstrong. The learned judge ordered that the applicant file an amended claim form and particulars of claim, which should deal solely with breach of contract arising out of an acknowledgement of debt.

[2] In determining whether permission to appeal ought to be granted, we are guided by rule 1.8(7) of the Court of Appeal Rules ('CAR'), which provides that "the general rule is that permission will only be given if the court or the court below considers that an appeal will have a real chance of success". We note that one of the orders in the judgment is that the learned judge refused leave to appeal.

[3] It is contended on behalf of the applicant that the learned judge erred in the exercise of her discretion in striking out his claim due to her misunderstanding of the evidence and the law relevant to the claim.

[4] Having considered the helpful submissions of counsel and the material before us, we find that the question of whether the learned judge properly considered the evidence before her requires closer analysis. Such an analysis should be conducted in an appeal, and it cannot be said that it could not be determined in the applicant's favour.

[5] The court will have to consider the claim and its particulars to assess whether the learned judge's conclusions demonstrated a proper appreciation of the case the applicant was seeking to advance. Since one possible view, to our minds, would favour the applicant, the appeal has a real chance of success, and so, in keeping with rule 1.8(7) of CAR, the application for permission to appeal is granted on that basis. We, therefore, order as follows:

1. The application for permission to appeal the order of Mott Tulloch-Reid J made on 19 March 2025 is hereby granted.
2. No order as to costs.