

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE STRAW JA
THE HON MRS JUSTICE DUNBAR GREEN JA
THE HON MRS JUSTICE G FRASER JA (AG)**

APPLICATION NO COA2024APP00172

BETWEEN	ANTHONY COX	APPLICANT
AND	NEVA MAY GORDON	1ST RESPONDENT
AND	DAVID SAMUEL MERRICK	2ND RESPONDENT
AND	VALERIE MAY GORDON	3RD RESPONDENT
AND	BERNICE GORDON	4TH RESPONDENT
AND	JENNIFER BUELA BANGURA	5TH RESPONDENT

Lorenzo Eccleston instructed by Temple Law for the applicant

Leonard Green instructed by Chen, Green & Co for the respondents

10 July 2025

Endorsement read by Straw JA

[1] This is an application for an extension of time within which to file notice and grounds of appeal in respect of a judgment made by a learned judge of the Supreme Court on 16 January 2024.

[2] Notice and grounds of appeal were filed on behalf of the applicant, Anthony Cox, on 9 April 2024. These ought to have been filed by 27 February 2024. Mr Cox explained that he was not advised properly by his then attorney-at-law that the notice and grounds of appeal should have been filed within 42 days of the decision handed down on 16 January 2024 and not when the written judgment was subsequently received on 27 February 2024.

[3] We do not find that the length of delay was inordinate and we are of the view that the reason for the delay ought not to be a basis to penalise the litigant. What is even more critical is whether there is any merit in any of the proposed grounds of appeal.

[4] Having considered the evidence and the submissions of counsel, we are of the view that there is an arguable case.

[5] Accordingly, we make the following orders:

- 1) Notice of application, filed 11 July 2024, for an extension of time to file notice and grounds of appeal, is granted.
- 2) The notice and grounds of appeal as filed on 9 April 2024 shall now stand as filed and served.
- 3) Costs to be costs in the appeal.