

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MRS JUSTICE MCDONALD-BISHOP JA
THE HON MRS JUSTICE FOSTER-PUSEY JA
THE HON MRS JUSTICE DUNBAR-GREEN JA**

PARISH COURT CIVIL APPEAL NO 18/2018

BETWEEN	RENEE MITCHELL	APPELLANT
AND	CARLTON CLARKE	1ST RESPONDENT
AND	STENNETH MALCOLM	2ND RESPONDENT

The appellant not appearing nor represented

Ms Raquel Dunbar instructed by Dunbar & Co for the respondents

26 June 2023

Endorsement read by McDonald-Bishop JA

[1] Despite the court's prior indication to the parties, through the Registrar, that the appeal would not be removed from the hearing list, neither the appellant nor counsel on record for the appellant, Miss Debby-Ann Samuels, appeared before the court. Neither were any submissions filed by the appellant.

[2] Miss Samuels indicated by email, dated 23 June 2023, that she has no "further instructions" from the appellant to proceed with the appeal. However, no application was filed by counsel to remove her name from the record.

[3] Having considered the transcript of the evidence, the reasons for judgment of the learned Judge of the Parish Court, and the submissions of counsel for the respondents, the court finds no merit in the appeal. There is no basis on which the court could conclude

that the learned judge erred in law in delivering judgment in the absence of counsel for the appellant or in her finding of facts. She accurately applied the relevant law to the facts she found proved to her satisfaction, and this court cannot say she was plainly wrong. Therefore, there is no basis to disturb the decision of the learned judge.

[4] Accordingly, the court orders as follows:

1. The appeal is dismissed.
2. Costs in the sum of \$30,000.00 to the respondent.