

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MRS JUSTICE MCDONALD-BISHOP P
THE HON MR JUSTICE BROWN JA
THE HON MRS JUSTICE SHELLY-WILLIAMS JA (AG)**

APPLICATION NO COA2026APP00103

BETWEEN	CHRISTOPHER ROBINSON	APPLICANT
AND	RODNEY GARVEY	1ST RESPONDENT
AND	LAURA DALHOUSE	2ND RESPONDENT

Mrs Rita Allen-Brown for the applicant

Ms Jacqueline Cummings and Matthew Palmer instructed by Archer Cummings and Company for the respondents

11 June 2026

Endorsement by McDonald-Bishop P

[1] This is an application for leave to appeal and a stay of execution of the order of Master T Dickens ('the learned master') made in the Supreme Court on 29 April 2026, refusing the applicant's application for relief from sanctions, and striking out the applicant's statement of case.

[2] Having considered rule 1.8(7) of the Court of Appeal Rules, 2002, the jurisprudence that has evolved relative to the grant of leave to appeal, and the submissions of counsel on both sides, the court finds that the applicant has established at least two arguable grounds of appeal with a real chance of success on these matters:

- (1) whether the learned master erred in her application of rule 26.8(2)(c) of the Civil Procedure Rules, 2002 ('CPR') in refusing the application for relief from sanctions; and

(2) whether the learned master erred by contravening rule 26.2 of the CPR when she struck out the applicant's statement of case, consequent upon the refusal of his application for relief from sanctions.

Accordingly, the application for leave to appeal should be granted.

[3] Counsel for the applicant did not pursue the application for a stay of execution, having conceded that the learned master's orders are not amenable to a stay of execution. The court accepts that concession as properly made.

[4] The court, accordingly, orders as follows:

1. The application for leave to appeal the decision of Master T Dickens, made on 29 April 2026, is granted.
2. The application for stay of execution of the said order is refused.
3. The applicant is to file notice and grounds of appeal and serve on the respondents in accordance with rule 1.15 of the Court of Appeal Rules, 2002, within 14 days of the date of this order.
4. Costs of the application for leave to appeal shall be costs in the appeal.
5. Upon the filing of the notice of appeal, the Registrar of the Court of Appeal shall request the reasons for the decision of the learned master and obtain the signed and sealed formal order through the Registrar of the Supreme Court.