

2005

No. 537-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No. 538-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No. 539-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No. 540-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No. 541-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No. 542-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No.632-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No.633-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No.638-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

2005

No.639-S

DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

JAMES RAMSAHOYE, represented herein by his
duly constituted attorney in Guyana WALTER
ALAN RAMSAHOYE

Plaintiff

-and-

LINDEN MINING ENTERPRISE LIMITED

Defendant

Ms Jamela A. Ali, Attorney at Law for the plaintiff

Mr Ashton Chase, S.C. for the defendant

Decision

The fourteen (14) matters herein had previously been consolidated on the 28th February 2006 by Mr. Justice Ramlal. Leave was granted to defend with pleadings on 7th May 2009 by Mr. Justice Roy. The Statement of Defence was filed and a Reply to Defence.

These matters came up before this Court.

The claims by the plaintiff were based on a Court of Appeal judgment granted in favour of the plaintiff against the defendant and another on the 3rd March 2004. The judgment consisted of damages, pension and interest. In 2004, the Court of Appeal was the final Court of Guyana.

In 2005, the plaintiff caused to be entered in the 14 matters herein notices and reasons of opposition to the passing of Transports of certain properties by the defendant on the grounds that the defendant had failed to pay the plaintiff part of the judgment debt. The 14 Writs issued by the Plaintiff followed opposition proceedings and the claims were for the remaining sums of money due at the time of the filing of the claims.

On the 24th March 2010, Ms. Ali informed the court that all the monies claimed at paragraphs 7 (i), (ii) and (iii) of the Statements of Claim, being damages, pension and interest, were received by the plaintiff and in the circumstances Counsel made an application for leave to withdraw the said claims at paragraph 7 (i), (ii), (iii) and (v) of the statement of claim in all fourteen (14) matters. Counsel for the plaintiff submitted that at the time the opposition was entered in 2005, the plaintiff was owed the monies claimed and submitted that the declarations sought at paragraph 7 (iv) of the statements of claim in all fourteen (14) matters were just, legal and well founded, and asked that the Court make the orders deeming the declarations to be just, legal and well founded.

Mr. Chase, S.C., opposed the application to withdraw the claims. He did not deny that the plaintiff had received monies claimed in his

statement of claim, but submitted that the order/judgment upon which the claims relied, that is, the said judgment dated 3rd March 2004 in favour of the plaintiff, had been appealed by the defendant, that the appeals were still pending, and that the Court ought not to find that the oppositions were just, legal and well founded. He also submitted that they were related appeals.

However, Counsel of the Defendant did not produce to this Court any order staying the execution of the Court of Appeal order of 3rd March 2004.

The Court having found that it was not unreasonable for the plaintiff to withdraw the claims made at paragraphs 7(i) ,(ii) ,(iii) and (v) of the statements of claim on the ground that all the monies claims had been received by the Plaintiff, this Court finds that there would be no useful purpose in allowing the 14 matters to continue since there was no longer any basis for doing so. To do so would not only cause further burden and clog up the court system, but undue delay in a situation that no longer merits a hearing. The Court also found, in the circumstances, that the oppositions were just, legal and well founded, since the plaintiff had been paid the monies as claimed, and there being no stay of execution of the judgment shown to this court, then the judgment was valid and enforceable, at the time of filing of the opposition.

The court then granted leave to the plaintiff to withdraw and discontinue the claims made at paragraph 7 (i), (ii), (iii) and (iv) of the statements of claim and made an order that the declarations claimed at paragraphs 7 (iv) of the statements of claim to be just, legal and well founded, and further ordered that there be costs in the sum of \$75,000 being total costs for all fourteen (14) matters.

Mr. Chase, S.C., then requested a stay of the orders of this Court. No grounds were given for the application for a stay.

The court refused the application. There was nothing to stay.

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Diana F. Insanally

Puisne Judge

This day of April 2010.