



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ UPHOLDS COURT OF APPEAL DECISION IN LAND MATTER

CCJ, Port of Spain. The Caribbean Court of Justice (CCJ) today dismissed an application for special leave to appeal in the matter *Systems Sales Ltd v Brown-Oxley* [2014] CCJ 16 (AJ), highlighting the importance of identifying the subject matter of land agreed to be sold.

The parties to this Barbadian matter entered into a contract to buy and sell a parcel of land identified on “a proposed sub-division plan” but did not attach any plan. The resulting issue was that the purchaser, an experienced land-developer, sought the CCJ’s appellate jurisdiction to order the vendor, an elderly couple, to honour their obligations under the contract relying on one plan while the vendors insisted they agreed to another.

The Barbados High Court trial judge held the vendors’ plan to be the contractual plan and refused to order specific performance of the purchaser’s plan on the basis that it contained a material modification to the contractual plan. The Barbados Court of Appeal agreed with the trial judge’s conclusion. The Court of Appeal also found that the purchaser was not entitled to damages because it had failed to plead and prove any specific losses.

In its decision delivered earlier today, the CCJ held the view that the purchaser, having been in the land development business for 35 years, had only itself to blame for not clearly identifying the land by a plan. The Court indicated that the purchaser could also be regarded as causing its own losses by rejecting the vendor’s plan and insisting on its own plan.

The CCJ therefore dismissed the purchaser’s application for special leave to appeal the decision of the Court of Appeal because it found no reason to interfere with that decision. It also ordered the purchaser to pay costs of the application to the vendor-respondents.

The Court was presided over by Mr Justice Wit along with Justices Hayton and Anderson. Mr Vernon Smith QC, Mr Hal Gollop QC and Mr Steve A. H. Gollop appeared for the Applicant. Mr Alair P Shepherd QC and Ms Wendy Maraj appeared for the Respondents

The final judgment of the Court and an Executive Summary is available on the CCJ’s website at www.caribbeancourtjustice.org.

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