



## CARIBBEAN COURT OF JUSTICE

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### **MEDIA RELEASE**

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### **CCJ RULES THAT PROCEDURAL ERRORS SHOULD NOT HINDER JUSTICE**

**Port of Spain, Trinidad.** Noting that despite procedural errors, courts should ensure that cases are dealt with justly. The Caribbean Court of Justice (CCJ) today granted Mr. Christopher Persaud, acting on behalf of his deceased father Mr. David Persaud, permission to appeal before the CCJ and ruled that the Court of Appeal of Guyana must hear the appeal. The Court of Appeal had previously dismissed an appeal filed by Mr. Christopher Persaud against Toolsie Persaud Ltd. and its principal, Mr. Toolsie Persaud. Toolsie Persaud Ltd. is one of Guyana's largest companies with interests in hardware, quarrying and timber and its assets are allegedly worth several billion dollars.

Mr. David Persaud, the minority shareholder in Toolsie Persaud Ltd., had filed a complainant oppression action, against the company and Mr. Toolsie Persaud, the majority shareholder and his brother. Mr. Christopher Persaud, whose father had owned 33.3% of Toolsie Persaud Ltd, had requested that the company purchase shares of the deceased, that the company be wound up or an interim order be made restraining the sale or disposition of sales. The application was filed under section 232, in accordance with section 224 of the Companies Act, which has as its purpose the restraining of oppressive conduct in companies.

While the matter was being heard by the Hon. Mr. Justice Persaud in open court, new Civil Procedure Rules were implemented which allowed oppressive actions to be appealed to the Court of Appeal, instead of the Full Court. After receiving an unfavourable judgment from Mr. Justice Persaud, Mr. Christopher

Persaud appealed the decision before the Court of Appeal. However, Toolsie Persaud Ltd. and Toolsie Persaud objected on the basis that the court did not have the authority to hear the appeal.

As a result of the objections, Mr. Christopher Persaud then went before the Full Court to determine whether this was the case and if it was, that he be given more time to allow him to file the appeal at the Full Court. That case was dismissed and then he filed an appeal against this decision at the Court of Appeal. After being dissatisfied with both courts, Mr. Christopher Persaud then turned to the CCJ.

One issue raised was whether the CCJ had jurisdiction to hear the matter, the Court found that it did and stated that “this Court has an inherent jurisdiction to exercise its discretion to grant special leave in cases where procedural rules have not been strictly followed and where such leave is required in the interest of justice.”

The Court also noted that having lost his oppression action in the High Court, the Applicant did all that a diligent litigant could have done to secure his appeal and that every attempt by the Applicant to pursue his appeal was met by technical procedural manoeuvres and arguments by the Respondents. The Court found it was necessary “to ensure that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.”

Costs were awarded to Mr. Christopher Persaud, to be taxed if there is no agreement. The full judgment of the Court, and a judgment summary, are available at [www.ccj.org](http://www.ccj.org).

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