



## CARIBBEAN COURT OF JUSTICE

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**MEDIA RELEASE**  
(For immediate release)

**No. 12:2026**  
**18 March 2026**

### **CCJ REMITS MATTER TO HIGH COURT FOR RECONSIDERATION**

**Port of Spain, Trinidad and Tobago.** On 17 March 2026, the Caribbean Court of Justice (CCJ) delivered reasons for its decision in *Harry Panday v Malcolm Panday and Deosaran David*, a matter originating from Guyana. On 17 December 2025, the Court had granted [special leave](#) to appeal, that is, permission to appeal, allowed the appeal, and remitted the matter to the High Court of Guyana to be heard before a different Judge. In its reasons, the Court outlined the procedural framework on how courts should approach striking out applications and/or deficient statements of claims/pleadings, that is, those that may lack a reasonable cause of action or sufficient particulars/facts.

The case involves a partnership dispute between two brothers, Harry Panday (the Applicant) and Malcolm Panday (the First Respondent). The dispute in this matter centres on a judgment sum of USD 733,451 plus interest which the Applicant claims belongs to the partnership. The Applicant's Statement of Claim was first struck out by the High Court. Both the full Court and the Court of Appeal then upheld the striking out on the basis that it disclosed no reasonable grounds for bringing the claim due to insufficient particulars.

In its reasons, the Court articulated the appropriate approach for striking out a claim using a framework anchored in the Civil Procedure Rules. The Court held that cases should, wherever possible, be determined on their substantive merits rather than being dismissed for curable procedural deficiencies. Under this approach, where a court identifies a potentially deficient statement of claim, it must first determine whether the pleading discloses a reasonable ground or cause of action for bringing a claim, and whether any deficiency in particulars is curable. If the claim discloses a cause of action but lacks sufficient particulars, the court must then conduct a balancing exercise considering: the effective use of resources, proportionality, fairness to all parties, and the overriding objective of dealing with cases justly.

Following the Panday Approach, the Court found that the lower courts' failure to consider whether the Applicant should be given an opportunity to amend his Statement of Claim, before striking it out, amounted to a misapplication of judicial discretion and an error of law.

The panel comprised the Honourable Justices Barrow, Jamadar, Ononaiwu, Eboe-Osuji, and Bulkan. Justice Jamadar delivered the judgment of the Court. Mr Ronald Burch-Smith represented the Appellant, while Mr Rajendra R. Jaigobin represented for the First Respondent and Mr Nirvan Singh for the Second Respondent.

The full CCJ judgment is available on its website at [www.ccj.org](http://www.ccj.org).

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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