

COURT OF APPEAL

13th July, 1994

140.

Before: Sir Godfray Le Quesne, Q.C., President,
Sir Patrick Neill, Q.C., and
R.C. Southwell, Esq., Q.C.

Between: Hambros Bank (Jersey) Limited **Plaintiff**
And: David Eves **First Defendant**
And: Helga Maria Eves (née Buchel) **Second Defendant**

Applications by the First Defendant for an Order that:

- (1) the First Defendant be given leave to appeal (which application was refused by a Single Judge on 2nd June, 1994: *See Jersey Unreported Judgment of that date*) from the Judgment of the Royal Court (Samedi Division) of 26th May, 1994:
 - (a) dismissing the First Defendant's appeals from the summary Judgments of the Judicial Greffier of 23rd June, 1993, condemning the First and Second Defendants to pay to the Plaintiffs £100,000 by way of capital due, and of 11th January, 1994, condemning the First Defendant to pay to the Plaintiffs £28,121.06. by way of arrears of interest due;
 - (b) refusing the First Defendant's request for a stay of execution of the said Judgments of 23rd June, 1993 and 11th January, 1994, pending determination by the Royal Court of the action brought by the First and Second Defendants against the Tourism Committee of the States of Jersey; and
 - (c) ordering that the costs of the Plaintiffs be paid by the First Defendant
- (2) execution of the said Judgments of 23rd June, 1993 and 11th January, 1994, be stayed for such period as the Court thinks fit or until both or one of the actions presently pending before the Royal Court between Mr. and Mrs. Eves (as First and Second Plaintiff) and Hambros Bank (Jersey) Ltd., (as Defendant), and between Mr. and Mrs. Eves and the States of Jersey Tourism Committee shall have been determined; and

- (3) the Plaintiffs pay to the First Defendant the costs of and incidental to today's applications.

The First Defendant on his own behalf.
Advocate A.P. Roscouet for the Plaintiff.

JUDGMENT

(on First Defendant's application for an adjournment following the withdrawal from the appeal of his Counsel.)

THE PRESIDENT: We have considered all that has been said to us on this application.

5 Our decision is that in the circumstances which have now arisen, this appeal will be adjourned to the next sitting of the Court and the stay of execution which is in operation at the moment will be continued until the disposal of the appeal at the next sitting of the Court. I say of the appeal, I should properly say of the application because this is an application for leave to
10 appeal and we shall direct that if leave to appeal is granted at the next sitting of the Court, the hearing of the appeal shall follow immediately.

15 We shall also direct that this case is to have priority at the next sitting of the Court over other civil business.

20 One matter I should add, I said that we should order that the stay of execution should continue until the disposal of the case at the next sitting; I should have said it will continue until disposal at the next sitting, or until further order of this Court.

No Authorities.