

ROYAL COURT  
(Samedi Division) 170

31st August, 1995

Before: P.R. Le Cras, Esq., Lieutenant Bailiff, and  
Jurats P.G. Blampied and E. W. Herbert

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Application by Rosedale (J.W.) Investments Limited for a declaration  
that the property of Mr. Barry Shelton be declared "en désastre"

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Advocate R. J. Michel for Rosedale  
(J.N.) Investments, Ltd.  
Advocate M.M.G. Voisin for Mr. Barry Shelton.

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JUDGMENT

THE LIEUTENANT BAILIFF: This is a case where we should exercise our  
discretion to grant an adjournment under Article 6 of the  
Bankruptcy (Désastre) (Jersey) Law, 1990. Two of the three  
grounds identified by the learned Deputy Bailiff in his Judgment  
of 30th March, 1995, at p.10 clearly come into play viz. at line  
43:

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"(2) We could grant an adjournment if the debtor could  
show to our satisfaction that the debt could be paid  
in full.

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(3) We could grant an adjournment on a matter of dispute  
to allow evidence to be called so that the Court had  
the fullest picture before it".

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Sufficient has been put before us to show that there is a  
possibility that Mr. Shelton's debts may be paid in full. There  
is a dispute which can only be resolved by hearing evidence. The  
adjournment should be a short one. We are not, however, in a  
position to decide when this should come on again.

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In these circumstances we formally adjourn this hearing to  
the Samedi Court, on Friday, 22nd September, 1995. In the  
meantime counsel must apply for a date so that they may advise the  
Court of the position on that day.

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Authorities

Application by Rosedale (J.W.) Investments Limited (30th March, 1995) Jersey Unreported.

Re: Bowen *ex parte* the Debtor (1924) B & CR 32.

Re: a Debtor *ex parte* Petitioning Creditor (1920) KB 432.

Re: Heyl *ex parte* D.P. Morgan Limited (1918) 1 KB 452.

Re: Hutton a bankrupt *ex parte* Mediterranean Machine Operation Limited (1969) 1 All ER 936.

Re: Horder *ex parte* the Trustee (1936) 2 All ER 1479.

Mann -v- Goldstein (1968) 2 All ER 769.

Bankruptcy (*Désastre*) (Jersey) Law 1990: Articles 1, 5 and 6.

Bankruptcy Act 1914: s.s. 5 and 109.