

# **Keith Arjoon and 2 others (Respondents) v Maria Daniel (Receiver) (Appellant) (Trinidad and Tobago)**

**Case ID: JCPC 2021/0061**

**Jurisdiction: Court of Appeal of the Republic of Trinidad and Tobago**

## **Case summary**

### **Issue**

Under the statutory receivership regime in Trinidad and Tobago, when can the court grant an injunction restraining a receiver from exercising their power of sale over a company's assets? Was the High Court right to strike out the Respondents' claims and discharge the injunction against the Appellant?

### **Facts**

In 2014, KGC Company Limited defaulted on certain of its loan repayment obligations. The Appellant was appointed as receiver of the company. In 2019, in her capacity as receiver, the Appellant sought to sell the company's assets in order to pay off part of its debts.

Keith Arjoon and Shandon Arjoon are both directors of the company. In their personal capacities and as directors on behalf of the company, they brought a claim against the Appellant for breach of equitable and statutory duties. They also sought an interim injunction to restrain the Appellant from selling the company's assets. The injunction was granted following a hearing in December 2019 at which the Appellant was not present. The Appellant subsequently filed an application to strike out the claims against her.

In April 2020, the High Court struck out the claims against the Appellant and discharged the injunction. The Respondents appealed and the Court of Appeal allowed their appeal, restoring the injunction and remitting the case to the trial judge for continued and urgent hearing. The Appellant now appeals against the decision of the Court of Appeal.

## **Parties**

### **Appellant(s)**

Maria Daniel

### **Respondent(s)**

Keith Arjoon and others

## **Appeal**

### **Justices**

Lord Reed, Lord Lloyd-Jones, Lord Leggatt, Lord Burrows, Lord Richards

### **Hearing start date**

7 November 2022

**Hearing finish date**

7 November 2022

**Watch hearing**

7 November 2022 [Morning session](#) [Afternoon session](#)