



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

FSD CAUSE NO 143 OF 2019 (NSJ)

IN THE MATTER OF THE REGISTERED LAND LAW

BETWEEN:

- (1) CAYMAN SHORES DEVELOPMENT LTD.**
- (2) PALM SUNSHINE LTD.**

PLAINTIFFS

AND:

- (1) THE REGISTER OF LANDS**
- (2) THE PROPRIETORS, STRATA PLAN NO. 79 (Known as LIONS COURT)**
- (3) THE PROPRIETORS, STRATA PLAN NO. 147 (Known as REGENTS COURT)**
- (4) THE PROPRIETORS, STRATA PLAN NO. 215 (Known as KINGS COURT)**
- (5) THE BRITANNIA PROPRIETORS (being the persons, whose names and addresses are set out in Section B of Schedule 1 to the Re-Amended Originating Summons)**

DEFENDANTS

RULING ON WHITE DOVE'S SUMMONS

1. This is my ruling on the application by White Dove Ltd (*White Dove*) for an order that their current attorneys, Nelsons, be permitted to come off the record, and that their sole director and 100% shareholder be permitted to appear on behalf of White Dove.
2. I have read and carefully considered White Dove's summons, the First Affidavit of Mr Prasad, the skeleton submissions filed on behalf of White Dove by Nelsons and the authorities referred



to therein. I have also noted that the Plaintiffs, the Walker Defendants and the First Defendant have confirmed that they neither oppose nor support and do not intend to take a position on White Dove's application (although the Plaintiff's attorneys, Appleby, have in their letter to the Court dated 29 September noted that there is authority against the order sought and drawn the Court's attention to the relevant cases).

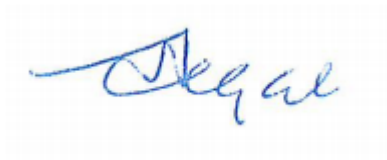
3. While I sympathise with White Dove's financial problems and Mr Prasad's wish to avoid incurring additional legal expense, I have concluded that White Dove's application must be dismissed.
4. I can summarise my reasons briefly.
5. It is clear that in order to justify the order sought White Dove must show exceptional circumstances. In my view it has failed to do so. In *Radford v Freeway Classics* [1994] 1 BCLC 446 at 451 Sir Thomas Bingham MR quoted the following passage from the judgment of Forbes J below:

"It is quite clear in my judgment that the only circumstances in which those sort of exceptional matters might arise are where there are substantial grounds for believing that some application or step in the proceedings could not be brought or put fairly before the court for some reason or other unless somebody on behalf of the company had an opportunity to speak for the company. In very rare circumstances the court might be able to recognise that it was necessary to allow a limited amount of address to the court to be made by for example a director of the company and would take steps appropriate to the circumstances to allow this to be done."

6. It is clear both from the pleadings and from Mr Prasad's First Affidavit that White Dove has adopted the same defences and position as that taken by the Walkers Defendants and that the interests of White Dove and the Walkers Defendants are "completely aligned" (see [4(v)]). As a result, Mr Prasad says that it is not his intention to make any oral submissions at trial but rather he intends to "*defer to and adopt those of the Walkers Defendants' counsel.*" (see [4(vi)]). In these circumstances, there is no need, in the interests of justice, for someone to be able to appear and make submissions on behalf of White Dove. There are therefore no grounds for believing that an application or step in the proceedings, or White Dove's defence and

arguments, cannot be brought or put fairly before the court unless Mr Prasad has an opportunity to speak for the company at the trial.

7. There shall be no order as to costs.



Mr Justice Segal

Judge of the Grand Court, Cayman Islands

1 October 2020