

IN THE SUPREME COURT OF BELIZE, A.D. 2002

ACTION NO.194

SEFERINO PAZ

Plaintiff

AND

ST. MATTHEW'S UNIVERSITY
SCHOOL OF MEDICINE

Defendant

—

BEFORE the Honourable Abdulai Conteh, Chief Justice.

Mr. Fred Lumor for the Plaintiff/Applicant.

Mr. Denys Barrow S.C. with Mr. E. Andrew Marshalleck for the
Defendant/Respondent.

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RULING

In view of the deed of assignment between the applicant as assignor and the Belize Bank as assignee of the sums owed by the Defendant to the Applicant/Assignee, the applicant as assignee in virtue of section 133 of the Law of Property Act - Chapter 190 of the Laws of Belize, Revised Edition 2000 and on the authority of Read v Brown (1888) 22 Q.B. 127, cannot maintain an action against the Defendant for the sums stated in the deed of assignment to which the Belize Bank itself was a party.

2. Therefore, after careful consideration of the arguments and submissions by counsel for both sides, I am not persuaded that this is a case I can use my discretion to grant the Applicant the prayer he seeks. All sums due the applicant had been assigned by him to another, therefore he does not any more have an interest to maintain under that assignment which I would have been willing to protect by the order he seeks.
3. Costs to be taxed if not agreed.

A. O. CONTEH
Chief Justice

DATED: 30th April, 2002.