

IN THE SUPREME COURT OF BELIZE, A.D. 2005

ACTION NO. 59

NATALIA CARTER

PLAINTIFF/APPLICANT

AND

EVAN FAIRWEATHER

DEFENDANT/RESPONDENT

—
BEFORE the Honourable Abdulai Conteh, Chief Justice.

Mr. Oswald Twist for the Plaintiff/Applicant.

Mrs. Sharon Pitts Robateau for the Defendant/Respondent.

—
RULING

Having listened to both counsel, and having read the affidavits in this matter, and given that there was a conveyance to the Crown of land in Placencia in 1976 from which land the Crown by Minister's Fiat granted land to the Plaintiff/Applicant, it will be necessary for a proper and fair determination of the issues whether the application for interim injunction or the final injunction as claimed in the applicant's writ to have the proper dimensions of the land granted to the Crown especially in the face of the Respondent/Defendant's affidavit that he is on land not granted to the Crown.

According, I order that a survey of land granted to the Crown in 1976 which conveyance is in evidence in the Defendant/ Respondent's affidavit, be done by a surveyor agreed upon by both sides failing which the Registrar will appoint a surveyor.

The cost of the surveyor to be borne equally by the parties.

In the meantime the status quo prevails.

Matter is adjourned to a date to be set once the survey is in.

A. O. CONTEH
Chief Justice

DATED: 22nd March, 2005.