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Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

COMMONWEALTH OF DOMINICA
(CIVIL)

DOMHCV2014/0217

Between:-

[1] The Dominica Agricultural, Industrial
and Development Bank

Claimant

and

[1] Levi Maximea
[2] Lucy Maximea

Defendants

Appearances:

Mrs. Colleen Felix Grant of Gerald Burton Chambers for
the Claimant

Mr. Levi Maximea in person

16th April 2015
29th May 2015

RULING

[1] Stephenson J.: This is an application to strike out
the defence filed herein on the grounds that the

defence discloses no reasonable ground for
defending the claim and is an abuse of the process
of court. The application is filed pursuant to Rule
26.3 of CPR 2000.

THE CLAIM

- [2] On the 20th June 2014, the claimant bank (The Bank) filed a claim by way of fixed date claim form against the defendants for the sum of EC\$116,534.14 being the balance due and owing by the defendants on a mortgage loan granted to the defendants pursuant to an agreement made on the 29th day of April 1996 of which the bank alleges that the defendants are in breach of, with interest accruing on the debt until payment of same.
- [3] The Bank claims in the alternative that the mortgaged property be sold in accordance with the Titles by Registration Act.¹
- [4] The bank has filed an affidavit sworn by their Recoveries Officer in support of their claim stating the particulars of the claim and exhibiting thereto the loan documents and demand made to the defendants.

¹ Chapter 56:50 of the Laws of the Commonwealth of Dominica