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COMMONWEALTH OF THE BAHAMAS  
IN THE COURT OF APPEAL  
Civil Appeal No. 39 of 2006

Kenneth McKinney Higgs Sr.

Appellant

and

Leshelmaryas Investment Co. Ltd.

Respondent

Before: The Rt Hon Mrs Justice Sawyer, President  
The Hon Mr Justice Ganpatsingh, JA  
The Hon Mr Justice Osadebay, JA

Bridgette Francis-Butler, Attorney at Law,  
Counsel for the Appellant  
Damien Gomez, Esq., along with  
Edward B. Turner, Esq.,  
Counsel for the Respondent

4 September 2007

1 The oral judgment of the court was delivered by Sawyer, P:

2 The appeals are allowed. The decision of the  
3 learned judge is set aside.

4 We remit the matter to the Supreme Court with our  
5 opinion that the judge hearing this matter should comply with  
6 the provisions of the Partition Act (Ch. 153). The entire Act  
7 must be followed as they do not appear to have been followed  
8 in the instant case.

9 In particular, if there is any difficulty with  
10 regard to notification of any interested or anticipated  
11 interested parties, sections 6, 7, 8, 9, 10, 11, 12 and 13 are  
12 to be borne in mind by the judge hearing the matter, and the  
13 statute, having set out its own process must be followed  
14 faithfully.

15 Each party is to bear his/its own costs of the  
16 appeal. The costs in the court below will be costs in the  
17 cause.

18 Dated this 4th day of September, 2007

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SAWYER, P

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4 September 2007