

JAMAICA

IN THE COURT OF APPEAL

**BEFORE: THE HON MISS JUSTICE EDWARDS JA
THE HON MISS JUSTICE SIMMONS JA
THE HON MR JUSTICE BROWN JA**

PARISH COURT CIVIL APPEAL NO COA2022PCCV00011

MOTION NO COA2024MT00009

BETWEEN	DENISE KITSON	APPLICANT
AND	ROGER PHYNN	RESPONDENT

Allan Wood KC and Kevin Williams instructed by Grant, Stewart, Phillips & Company for the applicant

Mrs Rita Allen Brown for the respondent

28 July 2025

Endorsement read by Edwards JA

[1] On 22 July 2024, the court (McDonald-Bishop P, D Fraser and Dunbar-Green JJA) granted the applicant, Denise Kitson, conditional leave to appeal to His Majesty in Council from the decision of the court rendered on 15 January 2024.

[2] On 17 April 2025, the applicant filed a notice of motion with an affidavit in support seeking final leave to appeal to His Majesty in Council on the basis that she has complied with the conditions expressed in the court's order granting conditional leave and is, therefore, entitled to the grant of final leave.

[3] We are satisfied that the applicant has complied with the conditions imposed by the order granting conditional leave to appeal and, therefore, that the motion for final leave to appeal should be granted.

[4] We, therefore, make the following orders:

1. The motion, filed on 17 April 2025, for final leave to appeal to His Majesty in Council from the decision of this court handed down on 15 January 2024, is granted.
2. Costs to be costs in the appeal to His Majesty in Council.