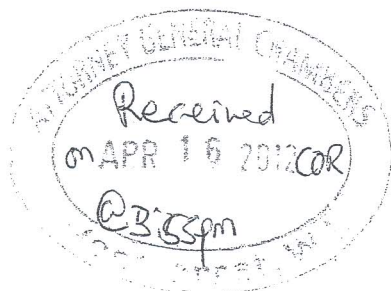


EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

MONTSERRAT

CLAIM NO: MNIHCV2002/0017

BETWEEN:



CLARICE RYAN
JOSEPH RYAN
DANIEL RYAN

Claimants

AND

CHARLES RYAN

Defendant

CLAIM NO: MNIHCV2003/0012

BETWEEN:

CHARLES RYAN

Claimant

AND

CLARICE RYAN
JOSEPH RYAN
DANIEL RYAN
REGISTRAR OF LANDS

Defendants

Appearances:

Mr. David Brandt for the Claimants Clarice Ryan, Joseph Ryan and Daniel Ryan.

Mr. Kharl Markham for the Defendant Charles Ryan.

✓ Ms. Sheree Jemmotte for the Registrar of Lands.

2009: October 13,

2012: April 16.

JUDGMENT

Introduction

- [1] **LEIGERTWOOD-OCATVE J:** The Claimants, Clarice Ryan [**"Clarice"**], Joseph Ryan [**"Joseph"**], Daniel Ryan [**"Daniel"**] are the older siblings of the Defendant Charles Ryan [**"Charles"**]. The Registrar of Lands [**"the Registrar"**] is sued in his official capacity.
- [2] On 15th August 1970, Octavia O'Garro executed a Deed evidencing the sale of 15 acres of land at Friths Village Montserrat to Charles, described as Block 11/3 Parcel 18. The Claimants' case is that on 16th January 1973, Charles executed an Indenture transferring Block 11/3 Parcel 18 to himself, the Claimants and William Ryan [**"William"**], who is not a party in this claim, as tenants in common in equal shares.
- [3] On 12th September 1980, the Claimants and the Charles were recorded as the provisional owners of Block 11/3/18 and registered as absolute owners on 12th January 1981.
- [4] On 2nd February 1997, Block 11/3 Parcel 18 was mutated into two parcels Block 11/3 Parcel 70 and Block 11/3 Parcel 71, both of which were registered in the names of the Claimants, the Defendant and William. William's name was removed after his death.
- [5] On 12th March 1997, Block 11/3 Parcel 71 was transferred to the Crown. **Block 11/3 Parcel 70** remains registered in the names of the Claimants and Charles and it is the land in dispute in these claims.
- [6] On 27th June 2002, the Claimants brought proceedings against Charles in **MNIHCV2002/0017**, seeking an Order that Block 11/3 Parcel 70 be partitioned in terms of the Mutation Form and

