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**BARBADOS
COA**

On APPEAL FROM CLAIM NO. CIV0284/2023

**SUPREME COURT OF BARBADOS
IN THE COURT OF APPEAL**

BETWEEN:

**LAMBCHOP PROPERTIES LLC
RMJE PROPERTIES LLC**

**FIRST CLAIMANT / INTENDED RESPONDENT
SECOND CLAIMANT/ INTENDED RESPONDENT**

AND

**APES HILL CLUB HOMEOWNERS
ASSOCIATION
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC
GARDEN WALL VILLA ASSOCIATION**

**FIRST DEFENDANT/ INTENDED APPELLANT
SECOND DEFENDANT/ INTENDED APPELLANT
THIRD DEFENDANT/ INTENDED APPELLANT
FOURTH DEFENDANT/ INTENDED APPELLANT
FIFTH DEFENDANT
SIXTH DEFENDANT**

AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO APPEAL

I, SUNIL CHATRANI, of 9 Wildey Ave, Fort George Heights in the parish of Saint Michael in this Island, **MAKE OATH AND SAY** as follows:

1. I am the Third Defendant in the proceedings herein and a Director of the First Defendant which has authorised me to make this Affidavit on its behalf. Accordingly, I make this Affidavit in Support of the Application for Leave to Appeal on behalf of myself and the First Defendant.
2. I am able to make this Affidavit save where otherwise appears on the basis of facts and matters that are within my knowledge and which I know to be true. When I refer to some other source of information, that information is true to the best of my knowledge, information, and belief.

3. On the 6th day of March, 2026 the Intended Appellants made an informal Application, pursuant to the guidelines as set out in Ward v Walsh [2025] CCJ 14 for the Learned Trial Judge to recuse himself from hearing this matter.
4. On the said 6th day of March, 2026 the Learned Trial Judge directed that the Application should be made formally and should be supported by an Affidavit.
5. On the 19th day of March, 2026, the Intended Appellants made the formal application for recusal of the Learned Trial Judge ("the Application"). The Application was supported by an affidavit wherein the facts and matters stated were based on the notes made during the course of the proceedings.
6. Upon the first hearing of the Application the Learned Trial Judge suggested that the facts and matters as stated in the said Affidavit mentioned in paragraph 5 hereof should be supported by excerpts from the transcript and that audio recordings could be obtained from the clerk of the Court.
7. The Intended Appellants were able to obtain the said audio recordings and on the 29th day of April 2026 filed an Amended Application and an Affidavit which included a transcript of what transpired on the relevant days (the "Amended Application"). The Intended Appellants were unable to obtain a video recording which would show the size of Court number 7 and the proximity between the Learned Trial Judge and Mr. Lamb at the hearing held on the 17th day of October 2025
8. The hearing before the Learned Trial Judge concluded on the 8th day of May 2026 and the Learned Trial Judge promised to give a decision on the 18th day of May 2026. On the said 18th day of May, 2026 the clerk of the Court advised the parties that the matter was rescheduled to the 22nd day of May, 2026. On the 22nd day of May 2026 the clerk of the Learned trial Judge advised the parties that the Learned Trial Judge was unwell and that he would render his decision on the 27th day of May 2026 by zoom.
9. On the 27th day of May 2026 the Learned Trial Judge delivered an oral decision via zoom and promised to render a written decision soonest. I am advised by Counsel and verily believe that the oral decision was not detailed and did not provide reasons for the same. Indeed, the process took less than ten (10) minutes.
10. On the 19th day of June, 2026 the Learned Trial Judge delivered the written decision which provided reasons for his aforementioned decision.
11. I have read the written decision and note that an Order made by the Learned Trial Judge suggests that an Application for recusal was made by the First, Second, Third and Fifth Defendants. I have also read the Application which was made before the Learned Trial Judge and note that the Application was made by the First, Second Third and Fourth Defendants only.
12. I am advised by Counsel and I verily believe that the decision of the Learned Trial Judge not to recuse himself from hearing the matter is wrong in law and fact as set out in the Grounds of the Notice of Application for Leave. In particular, I am advised by Counsel and verily believe that a fair-minded observer, fully informed of the facts and circumstances as

contained in the Amended Application I filed on the 29th day of April 2026, would conclude that there was a real possibility of bias.

13. The Intended Appellants are adversely affected by the decision in that if the Learned Trial Judge continues to preside over a trial where his impartiality is objectively in question, it would undermine the fairness of the proceedings and the public's confidence in the administration of justice, thereby denying the Intended Appellants the right to a fair trial before an impartial tribunal, a fundamental principle of natural justice and exposes the Intended Appellants to the risk of a judgment tainted by apparent bias.
14. I am concerned that the Learned Trial Judge's conduct during the proceedings, particularly his interactions with Mr. Paul Lamb, a party to the proceedings, and his statements made during the adjournment hearing on the 4th day of March, 2026, demonstrate apparent bias or a real risk of bias against the Intended Appellants.
15. I am further concerned that the Learned Trial Judge's previous professional relationship with C.O. Williams Construction Ltd. and its affiliated entity, Apes Hill Development SRL and Sir Charles O. Williams, deceased, a company or entity whose potential liability could be directly affected by the outcome of the central "Turnover Date" issue in the trial, creates a conflict of interest or apparent bias.
16. My Counsel has discussed the grounds on which the Application for Leave to Appeal the Court's decision is founded. Those grounds are set out in a Draft Notice of Appeal which accompanies this Application. I have read and understood them.
17. I am advised by my Counsel and verily believe that these grounds establish that if permitted, the Appeal against the decision of the Court at first instance has a real prospect of success.
18. I am advised by Counsel and verily believe that the Appeal in this matter raises questions of significant public interest concerning the proper administration of justice, the standards of judicial conduct, and the impartiality of the judiciary.
19. I make this Affidavit in support of the Application for Leave to Appeal and the Orders contained therein.

SWORN TO by the deponent the said
SUNIL CHATRANI at Warrens, St. Michael

) *S. Chatrani*
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on the 29th day of June , 2026)

Before me:

[Signature]

ATTORNEY-AT-LAW

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Roger C. Forde, K.C., Attorney-at-Law for the
First, Second, Third and Fourth Defendants/Intended Appellant