

Peter Siegwart Wallach v Ronald Lester Selvan and Others

CASE CCT 15/01

MEDIA SUMMARY

The following explanation is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

In July 2000 Judge Spoelstra dismissed an application by Mr Wallach for an order declaring “unconstitutional and invalid” the appointment of the first respondent as an acting judge. A few days later Spoelstra J orally furnished his reasons in open court and at the same time dismissed an application by Mr Wallach for leave to appeal.

Mr Wallach, who had been notified of the hearing but was not present, could not obtain a transcript of the proceedings and applied to the Supreme Court of Appeal for leave to appeal. When that application was turned down, he applied to the Constitutional Court for leave to appeal to it, alleging that his constitutional right to a fair hearing had been infringed.

The Constitutional Court, having had the transcript of the judgment traced, transcribed and forwarded to it, found that the complaint was unfounded. Judge Spoelstra had given full and convincing reasons for dismissing the original application, which was without merit. Leave to appeal was accordingly refused.