

IN THE SOLOMON ISLANDS COURT OF APPEAL

ORIGINAL

NATURE OF JURISDICTION: Appeal from Judgment of the High Court of Solomon Islands (CAC 30 of 2014)

COURT FILE NUMBER: Civil Appeal No. 30 of 2014 (On Appeal from High Court Civil Case No. 365/09)

DATE OF HEARING:

DATE OF JUDGMENT: 13th April 2015

THE COURT: Goldsbrough President
Ward JA
Palmer CJ, JA

PARTIES: Ramo Dausabea APPELLANT
-v-
Registrar of Titles 1st RESPONDENT
Pacific Island Timber Company Ltd 2nd RESPONDENT
Bako Construction Ltd 3rd RESPONDENT
Haynes Maetala 4th RESPONDENT

ADVOCATES:

Appellant: Mr Solosaea

1st Respondent: Mr Damilea

2nd & 3rd Respondent: Mr Radclyffe

4th Respondent: Public Solicitor (No appearance)

Key Words:

Ex tempore: Yes

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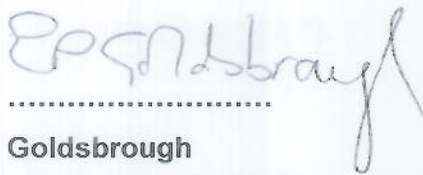
COURT:

We are grateful to Counsel for the submissions that they have made today. It is sad to note that the matter before us now is because of a failure to comply with directions that were made on the 9th of March. We are told of those directions. Only one was complied with being payment by the Appellant for security of costs which appears to have been complied with around about the 12th of March.

None of the other directions have been complied with and therefore no progress has been made to prepare the appeal for the sitting of this Court which begins today. And there seems to be no prospect of the appeal to being heard in this session which means that the earliest it could now be heard is October of 2015 by which time these orders made in August 2014 will be more than a year old.

It seems impossible to say on the information that we have been provided with the blame lies with the Appellant in person or whether the majority of the blame for this situation arises through the default of the legal practitioners involved. But the final orders made in the High Court in 2014 on the application to set aside orders made in the substantive matter in 2013 are now already themselves more than eight months old and still the successful parties to the application have not seen the fruits of their judgment.

In those circumstances, an order is made today dismissing this appeal for non-compliance with directions and an order is made for costs against the Appellant in favour of the Respondents. Those costs will be agreed on or taxed.



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Goldsbrough
President of the Court of Appeal



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Ward JA
Member of the Court of Appeal



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Palmer CJ, JA

Member of the Court of Appeal

