

BILLY MAE -v- KAIMANISI

High Court of Solomon Islands

(Palmer J.)

Civil Case No. 177 OF 1990

Hearing: 4 February 1993

Judgment: 4 February 1993

A. Radclyffe for the Plaintiff

A. H. Nori for the Defendant

PALMER J: Having heard the evidence, I am satisfied that there has only been partial compliance. The defendant, Kaimanisi has effectively left the place but that there appear to have been left certain property on the said land that has necessitated the regular attendance and intrusion on the said property by the defendant's son.

I can understand the problems that the son and his family may have been faced with, but since the court order of the 29th August 1991, it seems as if he has done little to alleviate the problem that he faced on the 29th of August 1991. It is possible that he did seek permission to live on the land on a temporary basis, but it is hardly a request when his things are still there and he has not done much to have them removed.

The Plaintiff makes it clear that he wants his land in vacant possession. There has been a contempt of the court's order.

The defendant's son acknowledges that he has no right on the land and will move out.

Time will be given to allow him to have all his property removed from the place. It will not be appropriate therefore to send the defendant to prison immediately. So a committal order will be issued but suspended on the following conditions:

- (i) That the land be vacated and all the properties of the defendant, members of his family, agents and servants be removed within 28 days from today's date.

- (ii) **Anything remaining on the land thereafter shall become the possession of the Plaintiff.**

Committal order for 6 weeks issued accordingly.

(A. R. Palmer)
JUDGE