

**BETWEEN:      FUKA KITEKEI'AHO                      -      Applicant**

**AND            :      SIOSAIA MOEHAU                      -            First Respondent**

**AND            :      NOELENE BLAKE                      -            Second Respondent**

**AND            :      MINISTER OF LANDS                      -            Third Respondent**

**DECISION**

1. This is an application for leave to appeal out of time.
2. The Statement of Claim filed by the Applicant on 15 March 2013 listed the above three Respondents as defendants.
3. On 12 November 2013 Mr Fa'otusia who had taken over the action on behalf of the Applicant/Plaintiff filed an amended Statement of Claim; the Second and Third Defendants were deleted and the claim was confined to the First Defendant only.
4. On 8 January 2014 the Plaintiff filed an application "to withdraw this land case". On 7 February the application was granted by consent upon payment of \$500 costs by the Plaintiff to the First Defendant within 28 days.

5. The Applicant seeks leave to appeal out of time against the "Order made on 9<sup>th</sup> October 2013". On that date my minute of the proceedings reads as follows:

"Proceedings against Second and Third Defendants abandoned. Leave to file Amended Statement of Claim against the First Defendant in 28 days.

Thereafter action to take its normal course".

6. No judgment or decision adverse to the Applicant has been delivered by the Land Court in this action. Accordingly there is no scope for an appeal. The application is dismissed.

DATED: 17 March 2014.



  
PRESIDENT