

IN THE SUPREME COURT OF WESTERN SAMOA

HELD AT APIA

C.P. 45/91

BETWEEN: A.M. MACDONALD HOLDINGS LTD
a duly incorporated company
having its registered office
at Savalalo near Apia in
Western Samoa

Plaintiff

A N D: VAAI RICHARD MASON MACDONALD
of Apia, Company Director
carrying on business as
MACS VARIETY SHOPPE

Defendant

Counsel: Mrs R. Drake for Plaintiff
Defendant in person

Date of Decision: 29th November 1993

DECISION OF SAPOLU, CJ

On 9 June 1993 the Court handed down a decision in bankruptcy proceedings by the judgment creditor against the judgment debtor. In that decision the Court stayed further proceedings under the judgment creditor's petition for a bankruptcy order until 8 November 1993 subject to certain conditions that the judgment debtor has to fulfill.

Up to now the judgment debtor has not fulfilled those conditions except proceeding with his claim against S & D Boon Ltd and Sekoa Chan Boon. That claim, however, has been dismissed. There is also no satisfactory or acceptable explanation to satisfy the Court that the judgment debtor has

taken reasonable steps to fulfill or comply with the conditions imposed by the Court on 9 June 1993.

In these circumstances, the petition is granted and the judgment debtor is therefore adjudged bankrupt.

T F M Sapota
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CHIEF JUSTICE