

IN THE HIGH COURT OF SOLOMON ISLANDS

CIVIL JURISDICTION

Civil Case Number 177 of 2022

BETWEEN: DR TAUTAI AGIKIMUA KAITU’U - Claimant
AND: ASIA PACIFIC INVESTMENT DEVELOPMENT LTD – 1st Defendant
AND: SOLOMON RESOURCES MANAGEMENT LTD - 2nd Defendant
AND: ANTHONY TAMAIIKA, MOXI TAHUA, - 3rd Defendants
CHARLES TEGEI, HARRY BAIABE, ALEX KAITUU,
JEROS KAIPUA AND NELSON PONGI.

Date of Hearing: 19th August 2022.

Date of Ruling: 30th September 2022.


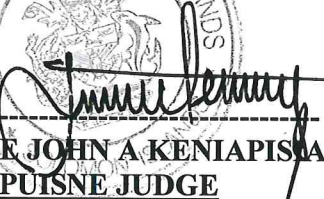
Counsel; Mr Hauri’i for Claimant (Not filing Written Submission).

Counsel; Mr Suri for the 1st Defendant and 1st named 3rd Defendant.

KENIAPISIA; PJ:

RULING ON AWARD OF COST AT END OF PROCEEDING

1. Dr Kaitu’u filed a Category A claim on 16/5/2022. Counsel Suri entered Conditional Response and Application to dismiss claim on 27/06/2022. Application was listed for hearing on 11/08/2022, at 2:00 pm. However, in the morning of 11/8/2022, Dr Kaitu’u filed a Notice to discontinue. Court gave orders perfected on 11/8/2022, for Counsel to file written submission on cost.
2. Counsel for the claimant did not file written submission. Counsel Suri filed written submission, giving the Court two options for award of cost. Court will accept the option for cost in Bill B and award \$8,700.00 against claimant. Minimal cost is justified because the matter was terminated early. Court make this cost order consistent with Rule 24.1 – the Court has discretion to award cost, even outside of the Rules. So, where the claim is terminated early, minimal cost of \$9,000.00 (nearest) as proposed in Bill B option is justified. **Order accordingly.**


THE COURT

JUSTICE JOHN A KENIAPISIA
PUISNE JUDGE