

**COOK ISLANDS STEEL INDUSTRIES LTD**

v

**ROBERT YOUNG**

Hearing date: 7 August 2019  
Appearances: Mr T Whitta for Plaintiff  
No appearance for Defendant

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**JUDGMENT OF THE HONOURABLE JUSTICE COLIN DOHERTY**

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[13:16:14]

[1] On 31 May 2019 the defendant was served with a Statement of Claim and Ordinary Summons. The Statement of Claim and Summons had been issued failing the defendants action to respond to a Statement of Account and letter of demand in relation to an outstanding account with the plaintiff.

[2] The summons served on the defendant claimed a total of \$2,600.60 in relation to the claim itself together with costs and disbursements. The amount outstanding on the face of the summons was \$2,990.60.

[3] No intention to defend has been filed. The plaintiff sought to have the matter called before the court today. There has been no appearance by the defendant.

[4] As no steps have been taken, counsel had an expectation of the Defendant failing to appear and filed an affidavit proving the balance of the claim. That sum remains the original amount sought of \$2,600.60 plus costs.

[5] The affidavit in support of the application that counsel makes for judgment, includes additional costs totalling \$1,802.08 which are the total solicitor client costs expended by the plaintiff in taking the matter this far.

[6] Counsel for the plaintiff accepts that without proof of prior agreement to pay solicitor client costs the court is not in a position to award them. However, the Code of Civil Procedure allows the award of costs by a court.

[7] The plaintiff, having provided proof of service and the facts of entitling it to relief, seeks judgment from this court pursuant to s 188(1) of the Code of Civil Procedure.

[8] I enter judgment in respect of the outstanding amount of the claim of \$2,600.60. together with the amount of \$1,200 being two thirds of the solicitor client costs. Those costs appear to me to be reasonable and in accordance with general practice that plaintiffs or successful parties at least should be entitled to recover a reasonable amount.

[9] I think that that \$1,200 for costs is reasonable. I also award such disbursements as have been expended by the plaintiff, those to be set by the Registrar.



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Colin Doherty, J