

**IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(LAND DIVISION)**

Application No. 10/2011

IN THE MATTER	Section 390A of the Cook Islands Act 1915
AND	
IN THE MATTER	of the lands known as TE-MATA-O-TE- ENUA, SECTION 10 A 1, NGATANGIIA (“the Land”)
AND	
IN THE MATTER	of an Application to the Chief Justice
BETWEEN	TT SHORT Applicant
AND	MRD PAEYROUX & ORS Respondents
AND	THE ATTORNEY GENERAL Nominal Respondent

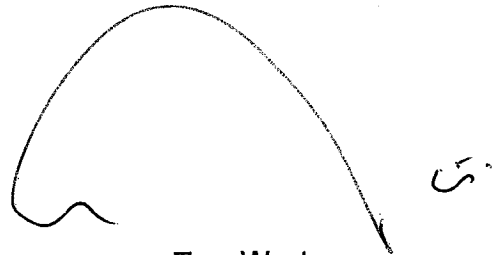
JUDGMENT AS TO COSTS

- [1] By Minute dated 15 March 2012 I dismissed Mr Short’s application brought pursuant to Section 390A, Cook Islands Act 1915. I reserved leave to Mrs Browne to pursue the question of costs.
- [2] I subsequently received her memorandum filed in the Court on 3 April 2012. She sought costs at a level of 75-80% of her client’s actual costs of \$1,948.25. I have been advised that this memorandum has been served on Mr Short but there has been no reply.
- [3] It seems to me that Mrs Browne’s costs were reasonably incurred and I have no concern as to their quantum.
- [4] However, I think that fixing costs at the level requested would be out of proportion.
- [5] I need to bear in mind that the special jurisdiction of Section 390A should not be unduly stifled. Claimants with a legitimate grievance need to believe that

their concerns can be ventilated. On the other hand, the Court needs to be astute to protect the vested interests which such applicants seek to challenge.

- [6] Balancing those various matters, I believe that costs should be fixed at \$1,000 and I order the applicant to pay this to the respondents. Such payment is to be made to Mrs Browne's office within two weeks from the date of this Judgment.

Dated 27 April 2012 (NZT)

A handwritten signature in black ink, consisting of a large, sweeping arch that descends to the right, ending in a small flourish.

Tom Weston
Chief Justice