

**IN THE HIGH COURT OF NIUE
(CIVIL DIVISION)**

CV2022-00059

IN THE MATTER OF: Civil claims of \$1,773.30 claim to retrieve funds from Dave Ulukita for Building maintenance

BETWEEN: Ettie Salamasina A Asemaga
Applicant

AND: David Ulukita
Respondent

Date: 25 July 2022

JUDGMENT OF CHIEF JUSTICE C T COXHEAD

1. On the 9 May 2022 the applicant, Ettie Salamasina A Asemaga, filed an application along with supporting documents claiming the sum of \$1,773.30 against the respondent, Mr David Ulukita.
2. On the 23 May 2022 the respondent, filed a response.
3. I heard this matter on the 25 July 2022 by Zoom.
4. Having heard from both parties my decision is as follows;
 - a. Mrs Asemaga has provided a report from the Department of Utilities Division that notes the items required to complete the work. This is marked “D” in her documents. This document details the work to be completed, costs of materials and provides an estimate of costs for labour to complete the work.
 - b. Mrs Asemaga will pay for the material.
 - c. Mr Ulukita will pay the costs of a carpenter to complete the work. Both parties agreed that the Mr Ulukita will not do the work. Therefore, Mr Ulukita may engage the carpenter who the Department of Utilities Division obtained the quote for work from or may engage another carpenter.
 - d. In terms of the lawyer’s costs - Mr Ulukita will have 20 working days to respond to why he should not pay the lawyers costs.
 - e. There is also a claim for inconvenience and stress. Those claims are dismissed.

A copy of this decision is to be served on all parties.

Dated at Rotorua, Aotearoa/New Zealand on this 25th day of July 2022.

A handwritten signature in black ink, appearing to read 'C T Coxhead', written in a cursive style.

C T Coxhead
CHIEF JUSTICE