

ORIGINAL

**IN THE SOLOMON ISLANDS COURT OF APPEAL**

**NATURE OF JURISDICTION:** Appeal from Judgment of the High Court of Solomon Islands (CAC 26 of 2014)

**COURT FILE NUMBER:** Civil Appeal No. 26 of 2014 (On Appeal from High Court Civil Case No. 262/10)

**DATE OF HEARING:** 17<sup>th</sup> April 2015

**DATE OF JUDGMENT:**

**THE COURT:** Goldsbrough President  
Ward JA  
Wilson JA

**PARTIES:** JJ Limited **APPELLANT**  
-v-  
Attorney General **1<sup>st</sup> RESPONDENT**  
Mary Chow **2<sup>nd</sup> RESPONDENT**

**ADVOCATES:**

**Appellant:** Mr Pitakaka  
**1<sup>st</sup> Respondent:** Mr Banuve  
**2<sup>nd</sup> Respondent:** Ms Bird

**Key Words:**

**Ex tempore:** Judgment

**PAGES:** 1 - 3

---

**COURT:** We have taken note of the various submissions that have been made on this appeal this afternoon and this is very much to be regretted that the record for

this appeal does not contain within it the reasons which the learned Judge at trial gave for his decision. Although those reasons were delivered in open Court, it seems that no record of those reasons is presently available to this Court either by way of written reasons published by the learned Judge or from a re-production from a recording of the orally delivered reasons. That should have been part of the Appeal Book and all of these issues should have been resolved well before this hearing today. The concession Mr Pitakaka made to this Court now that this is a situation he has not faced before.

In the circumstances this Court is going to order that the Registrar procure the reasons for this Judgment from the trial Judge and we require that exercise to be completed by the end of May of this year and that is about six weeks time. Following that the Appellant needs to file submissions on the appeal based on those reasons, and perhaps those should be filed by the end of June. Thereafter if they wish the Respondents should file their response to those submissions at the end of July and this matter will be listed for the next regular sitting of the Court of Appeal which is likely to be in September or thereabouts.

We feel that costs of today should be paid by the Appellant and the reason for that is we feel that this should have been resolved by the Appellant well before today. Those are the Orders of this Court.

The Court Orders that the costs of today will be paid by the Appellant because we feel that this question of a Record Book which did not have any reasons in it was a question that should have been resolved before today. It seemed that Counsel assumed that we would hear this appeal without the benefit of reasons from the Court below and made that decision and then the subsequent decision that he would rely on the submissions from the Court below because there were no reasons. This Court was never going to deal with the Appeal when there was still a possibility that the reasons for the decisions could be before this Court. We have heard that those reasons exist, we have heard that those reasons were delivered orally and what we are saying is that efforts should have been made to get those reasons into the

Appeal Book before now and Counsel for the Appellant was made aware of that by Counsel for the 2<sup>nd</sup> Respondent well before this hearing and yet it did not happen.

*P. Goldsbrough*

.....  
**Goldsbrough P**  
**President of the Court of Appeal**



*M. Ward*

.....  
**Ward JA**  
**Member of the Court of Appeal**



*Margaret Wilson*

.....  
**Wilson JA**  
**Member of the Court of Appeal**



