

IN THE SOLOMON ISLANDS COURT OF APPEAL

NATURE OF JURISDICTION:	Appeal from Judgment of The High Court of Solomon Islands, Bird PJ)
COURT FILE NUMBER:	Civil Appeal Case No. 67 of 2023 (On Appeal from High Court Civil Case No. 240 of 2023)
DATE OF HEARING:	1 April 2025
DATE OF JUDGMENT:	31 October 2025
THE COURT:	Muria P Gavara-Nanu JA Lawry JA
PARTIES:	ALICE SINA - Appellant -V- WILSON SINA - First Appellant HONOURABLE CHACHABULE AMOI - Second Appellant
ADVOCATES:	
APPELLANT:	S. Weago
RESPONDENT:	P. Teddy
KEY WORDS:	
EX TEMPORE/RESERVED	EX TEMPORE
ALLOWED/DISMISSED	DISMISSED
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JUDGMENT OF THE COURT

1. The Appellant was the Executrix of the will of the late Wilson Sina. She was also the beneficiary of his estate at Ambu comprising '*his house, store building and other personal estate*'.
2. There was a fixed term estate being PN 192-010-134 which is a parcel located at Ranadi, that had been registered in the name of Wilson Sina – trading as W S Hire Transport and Workshop Services. Following the will being proved, PN 192-010-134 was transferred into the Appellant's name.
3. The First Respondent commenced proceedings in the High Court against the Appellant in respect of PN 192-010-134. A Defence was filed by the Appellant. The Second Respondent was an interested party in the High Court proceedings.
4. On 31 October 2022 the First Respondent filed an application for summary judgment alleging that PN 192-010-134 did not form part of the estate of the Deceased and claiming that he was the Wilson Sina who was the holder of the fixed term estate.
5. A Court order was filed on 17 November 2023 and perfected on the same day. It recorded that the High Court had made orders on 16 November 2023. The preamble to the orders records:

“UPON HEARING AND READING Oral and Written Submissions of Counsel P Teddy for the Claimant and the Interested Party and no appearance of C Cabilly of Counsel for the Defendant together with all the materials filed in support of the Summary Judgment Application

AND UPON NOTING that effective service was done, a summary judgment is hereby entered for the Claimant and the interested party in accordance with the reliefs sought in the Claim, the Court is satisfied and

IT IS HEREBY ORDERED AS FOLLOWS:...”

6. The document then sets out the orders made.
7. The Appellant has appealed against the decision of the presiding Judge. After hearing from counsel the Court dismissed the appeal. We now set out our reasons for that decision.
8. The notice of appeal lists five grounds but in reality there was only one, the other grounds being assertions made by the Appellant. The first ground is recorded as:
“That the said Summary Judgment and the ensuing Order were made on the basis of lack of due process and on mistake.”

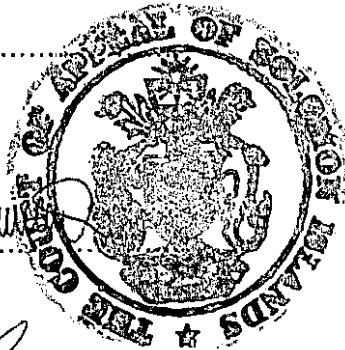
9. The appeal was therefore based on an allegation that the judge was in error in granting the application for summary judgment. In order to determine that issue it is necessary for this Court to consider the reasoning of the judge.
10. The Appellant has not put the judge's decision before this Court. She has not even put copies of any notes the judge may have made. There is therefore nothing before this Court on which we could conclude that the judge was in error. What is apparent is that the application for summary judgment was listed to be heard by the judge. There were submissions, both oral and written made to the judge in support of the application. Other material was also provided to support the application. The application was not opposed as counsel for the Appellant did not appear.
11. The Appellant has the burden of showing why the judge was wrong. In these circumstances there is nothing before us to demonstrate that the judge was in error in her judgment. Counsel for the Appellant sought to point to other material which we understood was to show that there was an arguable defence to the application. However as the Appellant put no material before to show the reasoning of the judge the argument that the judge was in error in her decision must fail as the Appellant was unable to point to any error made in the judge's reasoning.
12. The appeal was therefore dismissed. Costs are ordered to be paid by the Appellant, if not agreed to be taxed.

Muria

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Muria (P)

Gavara-Nanu

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Gavara-Nanu (JA)



Alan Lawry

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Lawry (JA)

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