

**IN THE SOLOMON ISLANDS COURT OF APPEAL**

<b>NATURE OF JURISDICTION:</b>	Appeal from Judgment of The High Court of Solomon Islands Aulanga J)
<b>COURT FILE NUMBER:</b>	Civil Appeal Case No. 26 of 2024 (On Appeal from High Court Civil Case No.567 of 2023)
<b>DATE OF HEARING:</b>	31 October 2025 (Paper Hearing)
<b>DATE OF ORDER:</b>	31 October 2025
<b>THE COURT:</b>	Sir John Muria (P)
<b>PARTIES:</b>	GLADALL BOB SESEHALA  -V-  MINISTRY OF EDUCATION AND HUMAN RESOURCES DEVELOPMENT - First Respondent  PERMANENT SECRETARY OF THE MINISTRY OF PUBLIC SERVICE -Second Respondent  PUBLIC SERVICE COMMISSION - Third Respondent
<b>ADVOCATES</b>	
<b>APPELLANT:</b>	G. Gray
<b>RESPONDENT:</b>	N. Ofanakwai
<b>KEY WORDS:</b>	
<b>EX TEMPORE/RESERVED</b>	EX TEMPORE
<b>ALLOWED/DISMISSED</b>	DISMISSED
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## **ORDER OF THE COURT**

### **Introduction**

1. On the 27 August 2024 the Court granted the applicant leave to appeal. The Court accepted that applicant's Notice of Appeal filed on 13 May 2024 as having been date filed.
2. On 27 November 2024 the Registrar fixed security for costs in the sum of \$10,000.00 to be paid within 21 days.
3. On 12 December 2024 the applicant filed an application to be admitted to appeal in Forma pauperise. The applicant also seeks to reassess the amount of the security for costs to be fixed to a sum between \$1,000.00 to \$2,500.00.
4. The applicant also filed on 16 December 2024 an application for extension of time to file the Agreed Index for the Appeal Book.

### **Respondents' Reply**

5. In their response, the respondents object to the applicant's application to be permitted to appeal in Forma pauperise. The respondents, however, have no objection the extending time to the applicant to pay security for costs, in the event that his application extension of time is granted

### **Disposition**

6. Having considered the applicant's applications and the respondents' response, the court makes the following orders:

- a. **Security for Costs**

Normally security for costs is a condition precedent to prosecuting an appeal. The Registrar assesses the amount of security for costs and orders the appellant to pay with certain time limit. Failure to pay the same, the appeal is at risk of being dismissed. Time can be extended for good reasons. The Court can also give directions if necessary.

In this case, the respondents said that they do not have objection to such extension if the application is not time barred.

I have read and considered the reasons given for the applicant's inability to pay the full amount of \$10,000.00 ordered by the Registrar. He has lost his employment. There is no evidence that he, presently, has any other means of earning money. His wife is the only member of the family who is in employment. However, her income has been relied upon to support the family and meet the education needs of their children. It would not be just and fair to expect his wife's income be further strained to shoulder, the applicant's burden of paying the full amount of the security for costs as ordered by the Registrar in this case.

The question of variation of the amount of security for costs falls within the Court's jurisdiction. The Court also has supervisory power in this matter. The Court will exercise its discretion and permit the applicant time to pay security for costs in the sum of \$5,000.00 within 21 days from the date of this Order. Failure to do so, the appeal is to be listed for formal dismissal.

b. **In Forma Pauperis**

The applicant has also applied to appeal in Form Pauperis. This application is inconsistent with the applicant's parallel application seeking time to pay, although in varied sum between \$1,000.00 to \$2,500.00, security for costs. Thus, having elected to pursue his appeal in usual manner, the applicant cannot, at the same time, ask to be treated as a pauper litigant. Again, having offered to pay a reduced sum for security for costs, is inconsistent with the motion that the applicant is completely indigent. Further still, he has not placed before the Court the merits of his intended appeal.

7. In the exercise of the Court's discretion and to enable the further progress of the applicant's appeal.

I make the following Order:

1. Extension of time is granted to the applicant to pay these security for costs as soon as paragraph 2 of this order within 21 days from the date of this Order.
2. The amount of security for costs is varied to \$5,000.00.
3. Application to admit the applicant to prosecute his appeal in Forma Pauperis is refused.
4. Costs of these applications shall be costs in the appeal.

Dated 31 of October 2025

  
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Sir John Muria  
President  
Court of Appeal

