

IN THE HIGH COURT OF SOLOMON ISLANDS  
*Civil Jurisdiction*

**Civil Case No. 304 of 2020**

**BETWEEN:** Selwyn Dika, **Claimant**  
[Representing the family and line of Leonrad Dika]

**AND:** Joel Eliot **Defendant**  
[Representing the family of Joel Pitakaka, his kingfolk,  
servants angets and licensens]

**Date of Hearing:** 15<sup>th</sup> April 2022

**Date of Judgment:** 14<sup>th</sup> September 2025

*For the Claimants:* Faiatoa G

*For the Defendant:* Sariki N

**Ruling on Application to strike out claim.**

**Kouhota PJ:**

1. On 6<sup>th</sup> July 2020, the Claimant brought this action by filing a category A Claim against the Defendant regarding Ritamala customary land in Kia, Isabel Province.
2. The Claimant sought a number of reliefs in the claim. Among others, the Claimant/Respondent sought that the family Descendants of Joel Pitakaka to leave vacant possession of Ritamala customary land and further restrain them from re-entering or re-possessing the said land.
3. The Claimant filed the claim premising that he represents the interest and right of his father's side or tribe, the Volaikana clan of Sinagi/Laena tribe of Isabel Province being the rightful owners of Ritamala customary land.
4. On 17<sup>th</sup> August 2020, the Defendant filed his defence and on 25<sup>th</sup> August 2020, the Defendant/Applicant filed an application to strike out the claim pursuant to rule 9.75 with a supporting sworn statement on the basis that the Claimant/Respondent has no place of standing to commence this legal action/proceeding.
5. On 14<sup>th</sup> December 2021, the Applicant filed an amended application to strike out and in support attached sworn statement of Nelson Laurere filed On 14/12/2021.
6. The matter is listed today for hearing of the application.

7. The Applicant relies on these materials/documents in support of the application;
- i. Defence filed on 17<sup>th</sup> August 2020;
  - ii. Application to strike out filed on 25<sup>th</sup> August 2020;
  - iii. Sworn statement of Elliot Joel filed on 25<sup>th</sup> August 2020;
  - iv. Amended application to strike out filed on 14<sup>th</sup> December 2020;
  - v. Sworn statement of Nelson Laurere filed on 14<sup>th</sup> December 2020.
8. The issue is whether or not the Claimant/Respondent has in custom and law *locus standi* or standing to represent his late father's Volaikana clan of Sinagi/Laena tribe of Kia, Isabel Province..

In his submission counsel for the Defendant/Applicant submit that the Claimant Mr Dika, Respondent belong to Kokopi tribe thus he have no standing in cutom or law to commence this legal proceeding on behalf of Volaikana/Sinagi Leana tribe or clan. I understand that issue has been determine by the Isabel Customary land Appeal Court (ICLAC) on 28<sup>th</sup> April 1999. The Isabel CLAC judgment was annexed to sworn statement of Nelson Laurere the fomer clerk to Isabel CLAC filed on 14/12/2021.

In its judgment the ICLAC said " There is no dispute that Selwyn Dika is a member of Kokopi clan. He appear as plaintiff in the Local Court claimaing on behalf of Volaikana/Sinagi tribe and Appellant in the ICLAC. The ICLAC in it judgment said that the Respondent Selwyn Dika has no authority to standing before the Court.

The Applicant submit that rule 3.42 of the SI Civil procedure rules 2007 is clear that any persn entitled in custom to represent a tribe is required to provide proof of his/her entitlement in custom to act as such before any steps in the proceeding take place. The Respondent had not provided any evidence of such entitlement, thus based on the ICLAC judgment of 28/4/1999, the Respondent claim is considered frivolous and vexatious and must be struck out.

#### Orders

1. Claimant's claim is struck out under rule 9.75 of the SI Court Civil Procedure Rules 2007.
2. Cost for the Defendant/ Applicant to be taxed if not agreed.

