

**HIGH COURT OF SOLOMON ISLANDS**

Civil Jurisdiction

Civil Case No. 258 of 2024

**BETWEEN:** Chief Elijah Manugaura, Jared Ha'anihei, Rickson Aurahe, and Eddie Tarodua,  
(Representing themselves, their Mwarauhenua Tribe) Claimant

**AND:** Moses Tahu, David Tahu and Aaron Tahu Trading as Uru'u Development  
Resources Company (Licenceesee) First Defendant

**AND:** Poly Logging Company Limited Second Defendant

**Date Hearing:** On paper

**Date of Ruling:** 27<sup>th</sup> October 2025

Mr Alfred Tahamae for the Claimants

Mr Billy Titiulu for the Defendants

**Pitakaka PJ:**

**Ruling on Application for Default Judgment**

**Introduction**

1. This is an application by the Claimants for default judgment under Rule 9.17 of the Courts (Civil Procedure) Rules 2007. The application arises from the Defendants' failure to file a defence within the prescribed time after being duly served with the claim. The Claimants allege that the Defendants unlawfully entered and conducted logging operations within Waimarae Customary Land and along the Hagaura River, causing extensive environmental destruction, water contamination, and loss of livelihood. The claim seeks compensatory damages for environmental harm, trespass, and conversion. The Defendants have not filed any defence or sought an extension of time. The Court is therefore required to determine whether the procedural and substantive conditions for the entry of default judgment have been met.

**Background**

2. The Claimants filed their Category A Claim on 8 August 2024, seeking damages for environmental destruction, trespass, and conversion arising from the Defendants' unlawful logging operations on Waimarae Customary Land and along the Hagaura River in the Makira Ulawa Province.
3. The reliefs sought are:
  - a. Payment of SBD3,900,000.00 for environmental damages;
  - b. Damages for trespass and conversion to be assessed; and
  - c. Costs on an indemnity basis.
4. The Claimants allege that the Defendants unlawfully entered Waimarae Customary Land without consent, conducted large-scale felling, constructed access roads, and operated logging machinery across and along the Hagaura River, resulting in pollution, ecological degradation, and destruction of food gardens and water sources.
5. The Makira Ulawa Provincial Government, following a joint field assessment on 15 April 2024, declared the Hagaura River unsafe for human consumption due to oil spillage, sedimentation, and pollution caused by the Defendants' logging operations.
6. On 24 May 2024, the Claimants commissioned Mr. Paul Marita, an environmental officer, to conduct a technical assessment of the environmental impact of the logging activities within the Waimarae Customary Land.
  - a. His environmental report confirmed severe damage to the soil, flora, fauna, and the Hagaura River's water quality.
  - b. The report valued the total environmental damage at SBD \$3,900,000.00, which forms the quantified claim for compensation.
7. The Sworn Statement of Rickson Aurahe filed on 21 August 2024 confirms that on 17 August 2024, he personally served the claim and supporting documents on the Second Defendant (Poly Logging Company Ltd) through Mr. Lu at their Burns Creek office, Honiara.
8. The Sworn Statement of Jared Ha'anihei confirms that on 18 August 2024, he personally served the same documents on the First Defendants at Tawaniau Camp, Makira Province.
9. On 28 August 2024, Mr. Billy Titiulu, counsel for the First and Second Defendant, filed a Response acknowledging receipt of the claim and stating that a defence would be filed within 28 days. No defence has since been filed.
10. On 15 October 2025, the Claimants, through Messrs. L & L Lawyers, filed an Application for Default Judgment under Rule 9.17 CPR, supported by the sworn statements of Aurahe and Ha'anihei as proof of service of the claim.

## Issues

11. The key issues for the court to determine are:
  1. Whether the Defendants' failure to file a defence entitles the Claimants to default judgment under Rule 9.17 CPR 2007; and

2. Whether the nature of the claim falls within the category of claims suitable for entry of default judgment, or whether it requires evidence and judicial discretion as in declaratory or equitable claims.

## Rules

12. Rule 9.17(a) and (b) of the *Courts (Civil Procedure) Rules 2007* provides that where a defendant fails to file a defence within the time required in rule 5.37, the claimant may apply for default judgment.
13. The Court must be satisfied that:
  - a. The claim was properly served;
  - b. The time for filing of defence has expired;
  - c. No defence or application for extension has been filed; and
  - d. The relief sought is not discretionary or declaratory in nature.
14. The decisions in *Lethy v Luluku*<sup>1</sup>, *QQQ Holdings Ltd v Honiara City Council*<sup>2</sup>, and *Sukumaran v Pillai*<sup>3</sup> [2013] SBHC 153 establish that default judgment should not be entered in claims seeking declaratory or equitable remedies, as such reliefs require judicial discretion and evidence.

## Application

1. The Court finds that the present claim is not declaratory but compensatory, grounded in torts of trespass, conversion, and environmental damage, supported by the environmental report prepared by Mr. Paul Marita, which quantifies damage at SBD \$3.9 million.
2. The Sworn Statements of Rickson Aurahe and Jared Ha'anihei establish that the claim was duly served on all Defendants.
3. The Second Defendant's Response of 3 September 2024 merely acknowledged service and intention to defend but did not constitute a defence within the meaning of Rule 5.11 and read with rules 5.12 to 5.16 CPR.
4. The Defendants have not filed any defence or sought extension since the date of service. More than one year has elapsed, and the Court is satisfied that the requirements of Rule 9.17 CPR have been met.
5. The Court is further satisfied that the claim discloses a reasonable cause of action, supported by documentary and factual evidence including the environmental assessment report, which provides a credible valuation of environment damage.

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<sup>1</sup> [1998] SBHC 13; HC-CC 104 of 1996 (23 February 1998), Awich J

<sup>2</sup> [2003] SBHC 18; HC-CC 039 of 2003 (1 May 2003), Kabui J

<sup>3</sup> [2013] SBHC 153; HCSI-CC 396 of 2012 (20 November 2013), Apaniai J

6. The principles in *Lethy, QQQ*, and *Sukumaran (supra)* do not apply because this is a private law damages claim, not one seeking declarations of ownership or legality.

### Decision and findings

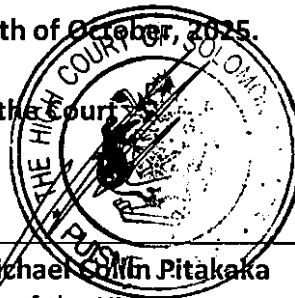
1. The Court finds that:
  1. Proper service of the claim has been proven;
  2. The Defendants failed to file any defence;
  3. The claim discloses a valid cause of action in tort; and
  4. The relief sought is compensatory, not declaratory.
2. The Court accepts the environmental report of Mr. Paul Marita as credible evidence quantifying the environmental loss and damage at SBD \$3,900,000.00, consistent with the pleaded relief.
3. The Court accordingly grants default judgment in favour of the Claimants in the terms of the orders sought in the claim.

### DISPOSITIONS AND ORDERS

1. Default Judgment is entered for the Claimants against the First and Second Defendants jointly and severally on the terms of the orders sought in the claim under Rule 9.17 CPR 2007.
2. The Defendants shall pay to the Claimants:
  1. SBD \$3,900,000.00 for environmental damages as assessed in the report of Mr. Paul Marita; and
  2. Damages for trespass and conversion, to be assessed separately under Rule 9.48 CPR 2007.
3. The Claimants are entitled to costs on an indemnity basis reflecting the gravity of the defendant's failure to defend the claim despite proper service and opportunity to do so.
4. The Claimant is at liberty to file the application for assessment of damages for trespass and conversion within 21 days from the date of this ruling.

DATED this 27th of October, 2025.

By the Court



Hon. Justice Michael Bin Pitakaka  
Puisne Judge of the High Court