

IN THE HIGH COURT OF SOLOMON ISLANDS

Civil Jurisdiction

Civil Case No. 178 of 2025

BETWEEN: COMMISSIONER OF LANDS - First Claimant
(Represented by the Attorney General)

AND: DIRECTOR OF PUBLIC PROSECUTIONS - Second Claimant
(Represented by the Attorney General)

AND: CHIEF COMMISSIONER OF GIRL GUIDES ASSOCIATION - First Defendant

AND: ROSE/ROSALIND MANEKAEA - Second Defendant

AND: SAINT JOHN AMBULANCE, SOLOMON ISLANDS - Third Defendant

Date of Hearing: (on paper)

Date of Ruling: 21 November 2025

Mr. N. Ofanakwai for the Claimants

No appearance for the Defendants

RULING**AULANGA, PJ:**

1. This matter concerns a parcel of land located at the Mbokona Road Junction, directly opposite the National Auditorium at Point Cruz, Honiara. The land was previously registered as a Fixed Term Estate under Parcel Number 191-017-029 in the names of individuals associated with the Girl Guides Association.

2. The Fixed Term Estate expired on 1 April 2013 and was not renewed. By operation of law, the land reverted to the Crown and was subsequently registered as Perpetual Estate Number 191-017-029 under the First Claimant, the Commissioner of Lands. From that date, the First Defendant ceased to hold any legal or equitable interest in the property. It has had no title, licence, or right of occupation. Consequently, its purported permission for the Second and Third Defendants to occupy the land was unlawful.
3. On 9 October 2024, the Land Board established under the *Land and Titles Act (Cap 133)* approved the Second Claimant's application to occupy the land for the construction of its office. Despite the issuance of two eviction notices dated 12 February 2025 and 12 March 2025, the Defendants refused to vacate and continued to occupy the land unlawfully.
4. The Claimants filed this action seeking: (1) immediate possession of the land; (2) eviction of the Defendants; (3) restraint against further trespass; (4) enforcement of the orders through the Sheriff's Office of the High Court; (5) damages to be assessed; and (6) costs.
5. Service of the claim was duly effected on all the Defendants by Mr. Nelson Ofanakwai on 21 May 2025 in Honiara, as evidenced by his sworn statement filed on 20 August 2025. The Court is satisfied that the service of the claim was proper. The Defendants have filed no response, no defence, and have ignored the process of law.
6. Rule 9.17 of the *Solomon Islands Courts (Civil Procedure) Rules 2007* provides that where a defendant fails to file and serve a defence within 28 days of service of the claim, the claimant may apply for judgment in default.
7. The principle of default judgment has been considered in *Bako v Rotubule* [2016] SBHC 96 and *Merera v Aberom* [2015] SBHC 60, where the Court emphasised that default judgment is discretionary. The Court must consider the nature of the claim and whether the granting of judgment would be unjust. If the claim is straightforward and justice requires it, judgment should be entered.

8. This claim is straightforward. It seeks possession of the land, eviction of the Defendants as trespassers, and restraint against further trespass. It does not involve a dispute over the ownership of the land, as the First Claimant holds registered title to the land. The Defendants have no legal interest.
9. The continued occupation of the land by the Defendants constitutes trespass. The First Defendant's expired estate confers no rights. The Second and Third Defendants' occupation is equally unlawful, having been invited by a party without authority.
10. In these circumstances, the course of justice is clear. The Claimants are entitled to possession. The Defendants shall vacate the land, remove all their belongings, and refrain from re-entering. The Royal Solomon Islands Police Force is hereby authorised to provide assistance to the Sheriff's Office of the High Court in the enforcement of these Orders.
11. The order for exemplary and aggravated damages is unnecessary. This claim is straightforward. It concerns the possession of the land and the eviction of trespassers. The First Claimant holds the registered title, while the Defendants have no legal or equitable interest. Their continued occupation amounts to trespass, but the facts disclose nothing that would justify punitive or aggravated damages. Exemplary damages are awarded only where the conduct is oppressive, malicious, or outrageous so as to warrant punishment beyond compensation. Also, aggravated damages are reserved for cases where the wrongful act has caused humiliation, insult, or injury to dignity. In this case, the Defendants merely remained upon the land to which they had no right. That is unlawful, but it is not oppressive in the sense required for exemplary damages, nor does it involve personal injury or affront to reputation that would justify aggravated damages.
12. In light of the above, the Court therefore makes the following orders:

Orders of the Court

- 1. Judgment in default is entered against the Defendants.**

2. The Defendants, whether by themselves, members of the Association, their families, relatives, agents, servants, or any other persons occupying under their authority, shall be evicted from Perpetual Estate Number 191-017-029 situated at Point Cruz, Honiara.
3. The Defendants and the persons referred to above shall remove all personal property and belongings from the said land within fourteen (14) days from the date of this Order.
4. The Defendants and the persons referred to above are permanently restrained from entering upon, occupying, or interfering with the Claimants' possession of Perpetual Estate Number 191-017-029.
5. The Royal Solomon Islands Police Force is hereby authorised to provide assistance to the Sheriff's Office of the High Court in the enforcement of these Orders.
6. The Defendants are jointly and severally liable to pay costs of this proceeding to the First and Second Claimants on a standard basis.

