

IN THE HIGH COURT OF SOLOMON ISLANDS
Civil Jurisdiction
(Maina PJ)

Civil Case No.474 of 2022

BETWEEN:	WYCLIFEE MAEBULE, JAMES KIMATA & EDWARD GHETU	-	Claimant
AND:	WOODLAND ENTERPRISES LIMITED	-	First Defendant
AND:	WAN CHEN COMPANY LIMITED	-	Second Defendant
AND:	SEVEV LAND TRUST BOARD (INCORPORATED)	-	Third Defendant

Date of Ruling: 21 November 2025

Firigeni R for the Claimant
No Appearance for the 1st, 2nd & 3rd Defendant

RULING

Maina J:

1. This ruling concerns an application filed by the Claimants on 30 June 2025 for assessment of damages and costs on an indemnity basis totalling SBD \$12,400,481.00.

The Background

2. The Claimants filed a Category A Claim on 12 October 2022 and an Amended Claim on 26 May 2025 alleging trespass and illegal logging on Pavuvu Customary Land.
3. Claimant Maebule effected service of the claim and filed a sworn statement of proof of service, as required under Rule 5.8 of the Civil Procedure Rules 2007 (CPR 2007).

4. On 16 October 2023 the Claimants filed and served an application for default judgment under Rules 9.7 and 9.8 CPR 2007. Judgment in default was entered against all the Defendants.
5. On 8 April 2025, the default judgment against the Second Defendant was set aside pursuant to Rule 9.9 CPR 2007. The perfected order was issued on 27 May 2025, and the matter adjourned to 28 May 2025 for mention.
6. On 28 May 2025, counsel Firegeni informed the Court that the Claimants and Second Defendant were exploring settlement.
7. The Claimants elected to maintain the default judgment against the First Defendant and indicated their intention to file an application for assessment of damages.
8. The Court directed the Claimants to file their assessment application and serve all supporting documents on the First Defendant within 7 days¹. (Rules 7.3 and 7.4 CPR 2007).
9. On 10 September 2025 the matter came back to the Court and the assessment of damages on the First Defendant was fixed or listed for hearing on 4 November 2025.
10. At the hearing on 4 November 2025, there was no appearance for the First Defendant. Counsel for the Claimants then proceeded and submitted that he will rely on the written documents or indicating reliance that are with the court.
 - (i) Statement of Damages dated 30 June 2025;
 - (ii) Sworn statement of Claimant Maebule (which said to be filed) on 10 July 2025);
 - (iii) Application for Assessment filed 30 June 2025

Legal Principles

11. Default judgment liability establishes liability for the claim (Rule 9.7 CPR 2007), but damages for unliquidated claims must still be proved. This is consistent with Solomon Islands practice, as discussed in *Sukumia v Solomon Islands Plantations Ltd*² which outlines the requirement for credible evidence to support damages claims.

¹ Rules 7.3 and 7.4 CPR 2007)

² [1983] SBHC 8; [1982] SILR 142 (5 January 1983)

12. Burden of proof for assessment of damages is on the balance of probabilities.

13. The Court may refuse to assess damages where the evidence is missing or incomplete. Procedural fairness and proper evidence are required, even after default judgment³.

Assessment of Damages

14. With the Statement of Damages filed 28 May 2025, the Claimants seek assessment under three heads:

- (a) Conversion of logs;
- (b) Environmental damage;
- (c) Indemnity costs.

15. Counsel Firegeni submitted that reliance is on the sworn statement of Wycliffe Maebule dated 27 June 2025, which annexed the Central Bank of Solomon Islands (CBSI) records (Exhibit "WM2"), allegedly showing 8,425.37 m³ of exported logs, valued at SBD \$8,538,481.00.

16. With the court's record in the case file, there is no sworn statement of Maebule dated 27 June 2025 and annexed the CBSI records "WM2").

17. The only documents in file are:

- (i) Statement of Case for Assessment (27 June 2025 / 10 July 2025);
- (ii) Application for Assessment of Damages (30 June 2025).

18. In the absence of the evidential foundation, the Court cannot assess damages, consistent with rules 9.30–9.33 CPR and in principles explained in *Sukumia*⁴ case.

19. With this situation of part of the Applicant, the Court therefore refuse the application.

³ Ibid

⁴ Ibid

ORDERS OF THE COURT

1. The application for assessment of damages filed on 30 June 2025 is refused.
2. Costs in the cause.



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Honourable Justice Leonard R Maina
Puisne Judge