

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

**Civil Case No. 580 of 2022**

**BETWEEN: CHIEF SHEM VAQALO Claimant**  
**AND: CHIEF DAN DOKABULE AND FRANK PAQOVARU Defendants**

**Date of Ruling: 17 November 2025**

***Mrs Ramo L for the Claimant***  
***Mr Teddy P for the Defendants***

**RULING**

**Maina J:**

1. This is an application for summary judgment brought under Rule 9.75 of the Civil Procedure Rules 2007 ("CPR"), filed on 30 August 2023.
2. The Claimant seeks the following orders:
  - (i) That the Defendants deliver vacant possession of the Sake portion of Solomo customary land to the Claimant;
  - (ii) A permanent injunction restraining the Defendants from re-entering, occupying, or undertaking any development on the Sake portion of Solomo customary land in Choiseul Province;
  - (iii) A permanent injunction restraining the Defendants from intimidating the Claimant and/or members of the Solomo tribe in any manner whatsoever; and
  - (iv) Costs.

### **Brief Background**

3. The Claimant filed a Category A Claim seeking vacant possession of Sake portion of Solomo customary land and permanent injunctive orders.
4. The Defendants filed a Defence and Counterclaim on 31 January 2023. The Claimant filed a Reply and Defence to Counterclaim on 8 February 2023.
5. Due to non-appearance by the Claimant's counsel at mention, and on jurisdictional and custom-related issues, the Category A claim was struck out.
6. On appeal, the Court of Appeal remitted the matter to the High Court for rehearing by another judge, by orders perfected on 22 November 2024. The remit included determination of the summary judgment application.
7. The matter came before me twice for mention. On 7 May 2025, I fixed the hearing of the summary judgment application for 14 July 2025 at 9:30 a.m.
8. On 14 July 2025, counsel for the Claimant proceeded with the application and provided written submissions.
9. Counsel for the Defendants requested 28 days to locate his clients and prepare submissions in response.
10. The Court granted the 28 days requested.
11. The Court directed the Defendants to file written submissions within that period and advised that failure to do so would result in the Court proceeding to rule on the application.
12. No written submissions were filed within the 28 days, nor at any time thereafter. Approximately 122 days have now elapsed.
13. The Court therefore proceeds to determine the application for summary judgment.

### **The Issue**

14. Whether the Defendants' Defence and response disclose any evidence or real prospect of defending the Claimant's claim.

### **Applicable Rules**

15. Under Rule 9.75 CPR, the Court may grant summary judgment where the respondent has no real prospect of defending the claim and where there is no other compelling reason for a trial.
16. Rule 9.64 CPR similarly provides that the Court may grant judgment where it is satisfied that the defendant has no arguable defence or the claim has a real prospect of succeeding without trial.

### **Defendants' Position**

17. Despite being given 28 days to respond, the Defendants filed no written submissions addressing the application for summary judgment.

### **Claimant's Position**

18. The Claimant represents the Solomo tribe in relation to Solomo customary land in Choiseul Province. He seeks eviction orders against the Defendants relating to the Sake portion.
19. The Claimant submits that the Defendants have no real prospect of defending the claim.
20. The Claimant relies on the following materials:
  - (i) Category A Claim filed on 20 December 2022;
  - (ii) Sworn Statement of Robinson Mamakana filed on 20 December 2022;
  - (iii) Reply and Defence to Counterclaim filed on 8 February 2023;
  - (iv) Application for Summary Judgment filed on 30 August 2023;
  - (v) Sworn Statement of Robinson Mamakana filed on 30 August 2023.

21. The Claimant submits that the ownership of Solomo customary land has already been determined through the chiefs and the customary land court processes, and that the Defendants have no prospect of disputing those determinations.

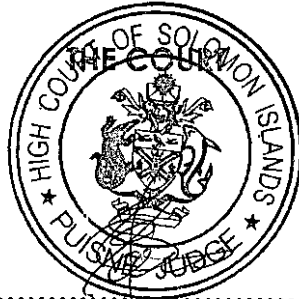
### **Analysis**

22. The dispute concerns ownership of the Solomo customary land, specifically the Sake portion. The evidence shows that ownership has been determined at all appropriate customary and judicial levels.
23. The matter was first brought before the Tavula Zone 2 Council of Chiefs on 26 June 2018, which determined ownership in favour of the Claimant and his clan.
24. The Defendants appealed that decision to the Lauru Local Court, which on 13 September 2018 upheld the Chiefs' determination.
25. A further appeal was lodged with the Western Customary Land Appeal Court (WCLAC). On 3 July 2019 (the draft stated 2029, which appears to be a typographical error unless otherwise advised), the WCLAC heard and dismissed the appeal, affirming the decision of the Local Court.
26. In their Defence and Counterclaim, the Defendants dispute the identity of the Claimant but do not dispute that the Solomo tribe owns Solomo land, including the Sake portion.
27. The Defence and Counterclaim, together with the filed materials, confirm that the issue of ownership has already been fully determined by the chiefs, the Local Court, and the CLAC.
28. Customary land ownership is appropriately determined through those bodies, and their decisions are conclusive unless overturned on appeal. None has been overturned.
29. Having considered all material, including sworn statements, pleadings, and the Defendants' Defence and Counterclaim, I am satisfied that the Defendants have no real prospect of defending the Claimant's claim.

30. Accordingly, the application for summary judgment is granted.

**ORDERS OF THE COURT**

1. The ownership of Solomo customary land, including the Sake portion, has been conclusively determined by the decisions of the Chiefs, the Lauru Local Court, and the Western Customary Land Appeal Court.
2. The Defendants have no real prospect of defending the Claimant's claim.
3. The Claimant's application for summary judgment is granted in full.
4. Costs to the Claimant, to be taxed if not agreed.



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**Honourable Justice Leonard R. Maina**  
**Puisne Judge**