

**IN THE HIGH COURT OF SOLOMON ISLANDS**

Civil Jurisdiction

Civil Case No. 27 of 2024

**BETWEEN: PHILIP CAMBELL - Claimant**

**AND: GODFREY MANEHIOHA - Defendant**

**Date of Hearing: (on paper)**

**Date of Ruling: 21 November 2025**

Mr. J. Seuika for the Claimant

No appearance for the Defendant

**RULING**

**AULANGA, PJ:**

1. This is a simple case. The Claimant is the lawful holder of a Fixed Term Estate in Parcel Number 192-400-100, granted for seventy-five years and running until 2053. The Defendant is not the holder. He has no title, no right, no licence to occupy the land. Yet he went upon the land and stayed there. Two notices were given to him to leave. He refused and remains on the land to this date.
2. The Claimant has brought his claim. It was amended and served. Service was proved by sworn statement. The Defendant refused to sign, but that does not matter. The Court is satisfied that service was duly effected. The Defendant has not answered. He has filed no response, no defence. He has simply ignored the process of law.
3. The rules are clear. Rule 9.17 of the *Solomon Islands Courts (Civil Procedure) Rules 2007* when applying it to the present case says that if the Defendant does not file and serve a defence within

28 days upon service of the amended claim, the Claimant may apply for judgment in default. That is what has been done here.

4. The authorities are clear too. In *Bako v Rotubule* [2016] SBHC 96 and in *Merera v Aberam* [2015] SBHC 60, the High Court has said that default judgment is discretionary. The Court must look at the nature of the claim. If it would be unjust to grant judgment, then the Court should set the matter down for trial. But if the claim is straightforward, and justice requires it, then judgment should be entered.
5. This claim is straightforward. It is for eviction of a trespasser and for restraint against further trespass. It is not for a declaration of ownership of the land. It does not require evidence to be tested at trial. The Claimant has the title. The Defendant has none. He is a trespasser.
6. In such circumstances, justice is plain. The Claimant is entitled to possession. The Defendant must vacate the land. He must vacate the land with his family, relatives, agents, servants, and all persons under his authority. They must leave the land. They must not return. If they do, they will be restrained. The police are authorised to assist. He will pay \$3,000 as costs of this proceeding.

#### **Orders of the Court**

1. **Judgment in default is entered against the Defendant.**
2. **The Defendant, Godfrey Manehioha, together with his family members, relatives, agents, servants, or any persons acting under his authority, shall vacate and deliver vacant possession of Fixed Term Estate Parcel Number 192-400-100 situated at Henderson in Guadalcanal Province forthwith.**
3. **The Defendant, together with the persons referred to above, shall remove all their personal property from the said land within fourteen (14) days from the date of this Order.**

4. The Defendant, together with his family members, relatives, agents, servants, or any persons acting under his authority, is permanently restrained from entering upon or occupying the Fixed Term Estate Parcel Number 192-400-100.
  
5. The Royal Solomon Islands Police Force is hereby authorised to assist in the enforcement of these Orders.
  
6. The Defendant shall bear the costs of this proceeding on a standard basis.



Justice Augustine S. Aulanga

PUISNE JUDGE