

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

Civil Case No.199 of 2020

BETWEEN: MAS PACIFIC INTERNATIONAL LIMITED - Claimant
AND: PREMIER OF ISABEL PROVINCE - First Defendant
AND: REGISTRAR GENERAL - Second Defendant
AND: COMMISSIONER OF FORESTS - Third Defendant

Date of Ruling: 27 November 2025

***Apaniai J for the Claimant
Lapo H (Attorney General) for 2nd & 3rd Defendants***

RULING

Maina J:

1. The Court previously granted leave for the Claimant to file an application for Default Judgment after the first Default Judgment against the Second and Third Defendants was set aside on 12 July 2024.
2. The Default Judgment was set aside against the Second and Third Defendants on grounds relating to the limitation on default judgment against the Crown, and because notice was served less than 7 days before the application, contrary to Rule 15.12.22 of the Civil Procedure Rules 2007 (CPR).
3. The Court, however, ordered that the Default Judgment against the First Defendant remains on foot, and that breaches of the consent orders remain effective against all Defendants.

4. In this current application, the Claimant states that the direction orders issued on 8 March 2023 to progress this matter have not been complied with by the Defendants.

Brief Background

5. On 8 March 2023, by consent of all parties, the Court issued direction orders requiring the Defendants to take the following steps by 22 March 2023:

Order 2: The First, Second and Third Defendants must file and serve:

- (a) sworn statements of evidence-in-chief; and
- (b) Not-Agreed Bundle of Documents.

Order 3: *"In the event of non-compliance by any of the Defendants with any paragraph of Order [2], any defences filed by such non-complying party shall stand dismissed, with costs against that party to be assessed if not agreed."*

6. These direction orders were not complied with by any of the Defendants. This is confirmed by a search of the Court file.

The Issue

7. The issue for determination is whether the Second and Third Defendants complied with the direction orders of 8 March 2023.

Applicant/Claimant

8. The Applicant filed the present Application for Default Judgment relying on the direction orders of 8 March 2023. It argues that although the earlier Default Judgment was set aside for the Second and Third Defendants, the Default Judgment against the First Defendant remains, and the breaches of the consent orders remain effective against all Defendants.
9. The Applicant submits that these breaches provide the basis for granting a new Default Judgment.

Respondents/Defendant

10. The Second and Third Defendants concede that they have not complied with the direction orders of the Court.

11. Their counsel submits, however, that during various mentions of the matter, the Claimant made statements suggesting an intention to amend the proceedings, withdraw the claim against some Defendants, or seek adjournments.
12. Counsel argues that these statements created uncertainty, causing the Defendants to believe the Claimant intended to withdraw the claim, which they say contributed to their inaction.
13. The Second and Third Defendants therefore submit that they did not comply with the 8 March 2023 orders because they were waiting for the Claimant to withdraw the claim.

Analysis

14. It is undisputed that default judgment was initially entered against all Defendants, and later set aside for the Second and Third Defendants pursuant to Rule 15.12.22 CPR.
15. The Court's orders of 8 March 2023 remained in effect. Those orders required the Second and Third Defendants to file and serve sworn evidence-in-chief and the Not-Agreed Bundle of Documents by 22 March 2023.
16. Under Order 3, the clear consequence of non-compliance is that any defence filed "shall stand dismissed" and costs are to follow against the non-complying party.
17. These orders are mandatory. Failure to comply carries legal consequences. Where a party fails to comply, the Claimant is entitled to seek the reliefs claimed, and default judgment becomes available.
18. The Second and Third Defendants expressly admit non-compliance with the Court's orders of 8 March 2023.
19. Their explanation—based on what they "thought" the Claimant might do—is not a lawful excuse and does not displace the effect of the Court's explicit direction orders.
20. Having considered the application, the evidence, and the submissions, I am satisfied that the Claimant is entitled to the orders sought. The application for Default Judgment is therefore granted.

ORDERS OF THE COURT

1. Default Judgment is entered against the Second and Third Defendants.
2. Costs of the application are to be assessed if not agreed.
3. No further orders.

THE COURT



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Honourable Justice Leonard R. Maina
Puisne Judge