

RONGO DEKI

BETWEEN: RONGO DEKI

Appellant

Appellant

MOLI PAKORO

AND: MOLI PAKORO

Respondent

Respondent

Coram: Mr. Justice Oliver A. Saksak

**Counsel: Ms Jane Tari for Respondent
No appearance by the Appellant**

ORDER

1. The Court ordered the Appellant to file and serve an appeal book within 28 days from 1st November 2013. The appellant was not present in Court on that date.

The appellant has not complied with paragraph 1 of the order.

2. His Notice of Appeal dated 14 October 2013 was filed by Mr. Saling Stephens. It is a mere notice without any grounds. It gave further notice that "detailed grounds of appeal will be provided at a later stage".

3. Ms Tari pointed the Court to the decision of the Magistrate's Court dated 23rd August 2013 which refused leave to the appellant to file an appeal out of time. On that basis Counsel submitted that the appeal should be dismissed with costs.

4. The Court accepts the submission and accordingly dismisses the appeal. There is no basis for the appeal. There are no grounds for the appeal. There are no provisions in the Rules requiring or allowing for grounds of appeal to be filed "at a later stage". This is bad practice and it can never be accepted and tolerated by the Court. Rule 16.28(2)(a) clearly requires that an application (notice) must set out the grounds of the appeal.

5. The appeal is therefore dismissed. The Respondent is entitled to his costs of the appeal on the standard basis as agreed or be determined by the Court.

DATED at Luganville this 3rd day of February 2014.

BY THE COURT
OLIVER A. SAKSAK
Judge

