

HELD AT APIA

C.P.: 393/93

BETWEEN: THE PUBLIC TRUSTEE a corporation
sole established under the Public
Trust Office Act 1975 for and on
behalf of the Estate of the late
TOAMALAMA LEOSO, deceased

Plaintiff

A N D: SUA LUSI, MOILO TUISILA, MAISA
TIATIA, PUNI TAFEA, VA LEATISUA,
FOKETI BROWN, LAU TOELAU,
FAAFOFOGA PAGAIALII aka FAAFOFOGA
LAFALALII, POO PAPALII, LAULU
SUESUE, SU'A LOLOGA, LIMU MULIAGA
and KILA POEINI, all occupants
of the Estate lands at Fugalei of
the late TOAMALAMA LEOSO,
deceased

First Defendants

A N D: FAAMOE ETENE, FALEALII LATU,
TIMOTEO TIMOTEO, LEATI SAMIA SU'A,
ITAMUA FAUSIA, ATAPUSI SU'A, LI'A
FAUATEA, LAFAI ALAPATI, LIAIGA
AFUVAI & MULIAGA AFUVAI, AVIA &
LJAIPOU SAUVAO, LAAULI FAEE,
TOKAPEA LUSI SU'A, KERETA MILO,
TALATTUPU SOFA'I, FALE AIGA,
LAFI SANERIVI, TUISILA POPEA and
TALATTUPU SOFA'I, also occupants
or former occupants of the Estate
lands at Fugalei of the late
TOAMALAMA LEOSO, deceased

Second Defendants

Counsel: Mr Tuimalealiifano for Plaintiff

Date of Hearing: ??

Date of Decision: 23rd November 1993

DECISION OF SAPOLU, CJ

In approaching this matter, the Court has adopted the approach of whether there is a serious question to be tried and where does the balance of convenience lie. On the basis of the motion and the affidavits filed by the parties as

well as the submissions made by counsel, the Court now makes the following orders:

- (1) Firstly, an interim injunction is issued to restrain the defendants Iokapeta Lusi Su'a, Foketi Brown and Maisa Brown together with their servants, agents and employees from constructing any new buildings or structures on the estate property at Fugalei which is in dispute, or from further reclaiming any part of that estate property unless the purpose of such reclamation is for preserving the part or parts of the land they are presently occupying from erosion;
- (2) Secondly, an interim injunction is issued to restrain all the other defendants together with their servants, agents and employees from constructing any new buildings or structures on the estate property at Fugalei which is in dispute, or from further reclaiming any part of that estate property.

The aforesaid orders are to remain in force until any further orders of this Court.

T. F. M. S. S. S.
.....
CHIEF JUSTICE