

**IN THE COURT OF APPEAL OF TONGA  
ON APPEAL FROM SUPREME COURT OF TONGA  
NUKU'ALOFA REGISTRY**

**AC 4 of 2016  
[AM 25 of 2013]**

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**BETWEEN:       1. SOLOMONE PALU  
                  2. MATENI TAPUELUELU  
                  3. LAUCALA POHIVA TAPUELUELU  
                  4. NUSIPEPA KELE'A**

**- Appellants**

**AND:             1. WILLIAM CLIVE EDWARDS  
                  2. VILIAMI UASIKE LATU  
                  3. SOSEFO FE'AO VAKATA  
                  4. SAMIU KUITA VAIPULU  
                  5. DR. 'ANA TAUFE'ULUNGAKI  
                  6. LORD TU'IVAKANO  
                  7. SIONE SANGSTER SAULALA**

**- Respondents**

**Coram           :     Moore J  
                          Blanchard J  
                          Hansen J  
                          Tupou J**

**Counsel         :     Mr. S. Tu'utafaiva for the Appellants  
                          Mr. W. Edwards for the Respondents**

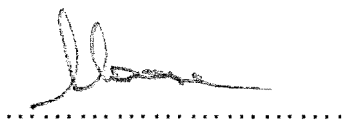
**Date of Hearing         :     5 September 2016**

**Date of the Minute     :     14 September 2016**

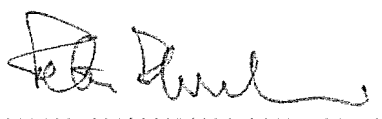
## MINUTE OF THE COURT

- [1] This matter was called for hearing on 5 September 2016 which was the day fixed for the hearing of the appeal at this sittings of the Court of Appeal. At the hearing, Mr. Tu'utafaiva who is counsel on the record for the appellants sought leave to withdraw as counsel for the appellants. Mr. Tu'utafaiva advised the Court that he has received no further instructions from the appellants in relation to the appeal. The Court granted Mr. Tu'utafaiva leave to withdraw.
- [2] The appellants had earlier made an application for the adjournment of the hearing of this appeal to a member of the Court of Appeal. However that application was dismissed. In these circumstances it could have reasonably been expected that the appellants would appear either by themselves for themselves or represented by a lawyer and prosecute their appeal at the time the appeal was fixed for hearing. However the appellants appeared neither through a lawyer nor by themselves and have failed to prosecute this appeal.

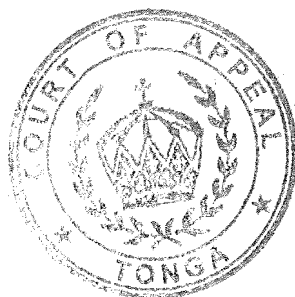
[3] For these reasons, the appeal is therefore dismissed for want of prosecution with costs.



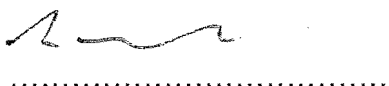
**Moore J**



**Blanchard J**



**Hansen J**



**Tupou J**