

**IN THE COURT OF APPEAL OF TONGA
NUKU'ALOFA REGISTRY**

**AC 01 of 2012
[LA 10 of 2007]**

BETWEEN: LOSETI MAHE

- Appellant

AND : MANONO MAFI

- Respondent

**Coram : Salmon J
Handley J
Blanchard J**

**Counsel : Mr. L. Niu SC for the Appellants
Mr. O. Pouono for the Respondent**

Date of hearing : 15 April 2013

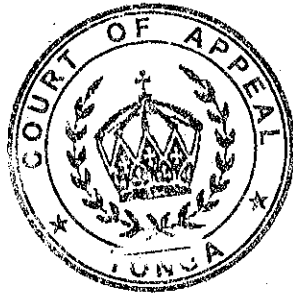
Date of judgment : 17 April 2013

MINUTE OF THE COURT

- [1] The parties have requested the Court to make consent orders in this appeal.
- [2] Accordingly the following orders are made by consent:
1. The appeal is allowed and the orders made in the Land Court are set aside.
 2. The Appellant shall pay to the Respondent the sum of TOP\$35,000 by no later than the expiry of 6 weeks from the date of these orders.
 3. The Respondent shall vacate the town allotment of the Appellant (deed of grant Book 319 Folio 37 dated 9 April 1992 Survey Plan L 5683 lot 3) together with his family and properties by no later than the expiry of 7 weeks from the date of expiry of the said 6 weeks, or by no later than 13 weeks from the date of payment of the whole of the sum of TOP\$35,000, if not paid within the said 6 weeks.
 4. Upon vacating the allotment the Respondent shall leave the said allotment and all buildings and houses, pavements, fences, trees and gardens situated therein in a clean and tidy condition, and shall not remove any part, fixture or fitting of any building, house or fence therefrom, and shall leave the same in a locked condition and shall hand over, or cause to be handed over, all keys thereof to the Appellant's counsel Mr. Niu forthwith.
 5. There is no order for costs in this Court or in the lower court.

Salmon J

Salmon J



J Handley

Handley J

Blanchard J

Blanchard J