

IN THE LAND COURT OF TONGA
NUKU'ALOFA REGISTRY

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Solicitor General
LA 1 of 2014 # 1

BETWEEN: ROBERTY MERVYN GEORGE MAKAU

FOLSG

02/06/16

Plaintiff

AND: VILIAMI FONISE HAVELU

First Defendant

VILIAMI HUANGA aka NA'A HOKONGA

Second Defendant

MINISTER OF LANDS

Third Defendant

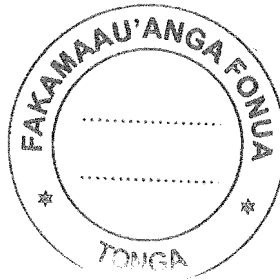
Ruling on Costs

- [1] The plaintiff was successful in this action. In his ruling of 6 May 2016 Scott J said he would hear from Counsel as to costs.
- [2] The plaintiff seeks costs. The third defendant accepts the plaintiff is entitled to costs. Despite Counsel for the first and second defendant being requested to provide submissions on costs they have not done so.
- [3] The Court's power to award costs must be exercised judicially but the general rule is that the successful party is entitled to its costs. This is the principle that is relied upon by the plaintiff. There being nothing before me to suggest circumstances which would indicate that the plaintiff should be deprived of his costs I order:
- 3.1. The plaintiff is awarded costs of the proceedings against the first, second and third defendants as fixed by the Registrar.

Rec'd
02/06/16
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3.2. The payment in to Court made by the plaintiff as security for costs shall be released forthwith to the plaintiff's lawyer for the credit of the plaintiff.

NUKU'ALOFA: 1 JUNE 2016



O.G.Paulsen
PRESIDENT