

IN THE LAND COURT OF TONGA
NUKU'ALOFA REGISTRY

Solicitor General
23/05/15
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BETWEEN: KONTALIO MA'U
First Plaintiff

ALISITA MA'U
Second Plaintiff

AND : HENGALELE MA'U
First Defendant

PENI MA'U
Second Defendant

AND : MINISTER OF LANDS
Third Defendant

BEFORE THE PRESIDENT OF THE LAND COURT

Hearing: 12 May 2015

Appearances : Mr. Fakahua for the second plaintiff
Mr. Taione for the second defendant
Mr. Sisifa for the third party

RULING

[1] On 10 April, 2015 Mr. Fakahua filed an application on behalf of the second plaintiff, 'Alisita Ma'u, and his half-brother 'Ifalemi Tauheluhelu seeking the removal of the first defendant, Hengalele Ma'u, as a defendant and the joiner of 'Ifalemi Tauheluhelu as a first plaintiff. This application was filed in compliance with a Minute that I

issued on 20 March 2015 as a consequence of the Court being advised that both the first plaintiff and the first defendant are now deceased.

- [2] The application for joinder of 'Ifalemi Tauheluhelu was opposed by the second defendant. This opposition was based on grounds that included that Mr. 'Ifalemi Tauheluhelu had no legal standing to bring any claim, that there had been considerable delays in the proceedings to date, that joinder would cause further delays and that the second defendant was suffering hardship as a result of a restraining order that was made in this proceeding on 16 May 2011.
- [3] When the matter came before me today, in discussion with Counsel it was agreed that by consent I could make the following orders:
- 3.1 That the first plaintiff, Konalio Ma'u, and the first defendant, Hangalele Ma'u, are removed as parties to the proceeding.
 - 3.2 The application to join 'Ifalemi Tauheluhelu as a plaintiff is withdrawn by leave.
 - 3.3 The second plaintiff, 'Alisita Ma'u, has until 2 June, 2015 to file an amended statement of claim or to discontinue the proceeding.

3.4 The case is adjourned to 5 June, 2015 at 9am for a further conference. By that stage if the claim is to proceed then the Court will timetable the filing of defenses, discovery of documents and set a hearing date.

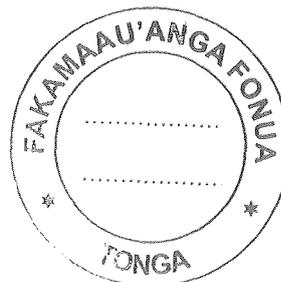
[4] There are three further matters that I need to record as follows:

4.1 Henceforth 'Alisita Ma'u will be known as the plaintiff, Peni Ma'u the first defendant and the Minister of Lands as the second defendant in this proceeding. The intituling on all future documents should reflect this.

4.2 Mr. Taione requested on behalf of Peni Ma'u that the restraining order be discharged. I refused that application as the restraining order was made primarily to protect the interests of the second plaintiff pending the hearing of this claim and his claim remains on foot, at least at the present time.

4.2 Mr. Fakahua drew to my attention that there is a related civil claim under CV 18/2015 and I direct that case to be called for mention on 5 June, 2015 also and henceforth both files will remain together.

NUKU'ALOFA: 12 May 2015



A handwritten signature in black ink, appearing to be "A. Taione".

PRESIDENT