

IN THE LAND COURT OF TONGA
NUKU'ALOFA REGISTRY

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AK
22/07/14

LA 24 of 2011

BETWEEN : BENJAMIN TAPEALAVA - Plaintiff

AND : MINISTER OF LANDS - Defendant

AND : MAKINETI JONES - Applicant

T. Fusimalohi for the Plaintiff
'A. Kefu SC for the Defendant
L. M. Niu SC for the Applicant

DECISION

1. This is an application brought pursuant to RSC O9 r 2(b) to add a Second Defendant as a party to the action.
2. Mr. Fusimalohi indicated that the Plaintiff had no objection to the application although he was seeking no relief against her. He also indicated that he intended in due course to seek an order requiring her to provide security for the Plaintiff's costs.

rec'd 18/07/14
AK

3. Although at common law a Plaintiff cannot be compelled to proceed against persons whom he has no desire to sue (see *Dolfus Mieg etc v Bank of England* [1951] Ch 33) the Rule allows a party to be joined to prevent a multiplicity of actions and to allow all relevant issues to be decided at the same time.
4. As appears from the draft Statement of Defence of the proposed second Defendant, she wishes to allege that the grant by the Minister of the land in question to the Plaintiff was null and void. This allegation if proved, will clearly undermine the Plaintiff's claim.
5. In all the circumstances I am satisfied that the application should be allowed. The Statement of Defence is to be served on the Plaintiff and First Defendant forthwith.

DATED: 18 JULY 2014.

E. Takataka
16/7/2014



PRESIDENT