

IN THE LAND COURT OF TONGA
NUKU'ALOFA REGISTRY

LA 09 of 2007

BETWEEN : HON. VEIKUNE - Plaintiff

AND : KINGDOM OF TONGA - Defendant

BEFORE THE HON. JUSTICE ANDREW

Counsel : Mr T. Tupou for the Plaintiff
Mr Kefu for the Defendant

Date of judgment : 18th March 2008.

J U D G M E N T

The Plaintiff action in this matter was dismissed on the 13 December 2007 and costs were awarded to the defendant as agreed or taxed.

The Plaintiff now makes application to vary costs, that is that each party should bear its own costs.

The basis of the variation is that this was a unique constitutional matter which had previously not been decided in any court proceedings and that the position in law was unclear and that in those circumstances it was necessary for the plaintiff to bring this action. I think there is substance in this application. Previously in similar circumstances where the legal position was unclear i.e. in another matter involving the interpretation of the constitution, costs were ordered to be borne by each party. The Crown is neutral on the application on the basis that it is properly a matter within the discretion of the Court.

In the circumstances I propose to vacate the earlier ruling that costs be awarded to the defendant as agreed or taxed and I make an order that each party pay its own costs.



Andrew J

NUKU'ALOFA: 18 March 2008.

J U D G E