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IN THE SUPREME COURT OF TONGA
CIVIL JURISDICTION
NUKU'ALOFA REGISTRY

CV 20 of 2022

BETWEEN:

[1] SIONE 'ATILI MOEHAU
[2] NUKU'ALOFA INVESTMENT LIMITED
[3] SIOSAIA MOEHAU

Plaintiffs

-and-

[1] HIROSHI TOMINAGA
[2] LESIELI NAMOA

Defendants

JUDGMENT

BEFORE: LORD CHIEF JUSTICE WHITTEN KC
Counsel: Mr D. Garrett SC for the Plaintiffs
Mr W.C. Edwards SC for the Defendants
Trial: 28 November 2022 to 1 December 2022
Judgment: 1 December 2022

HAVING CONSIDERED the pleadings and evidence filed for trial,

AND HAVING HEARD the evidence of Siosaia Moehau and Lesieli Namoa and the submissions of counsel for the parties,

AND FOR THE REASONS pronounced in Court this day,

IT IS HEREBY ORDERED THAT:

1. There be judgment in favour of the Third Plaintiff, Siosaia Moehau, against the Second Plaintiff, Lesieli Namoa, in the sum of TOP\$1,707,993.
2. The claims of the First and Second Plaintiffs are dismissed.
3. The Defendants' counterclaim is dismissed.
4. Lesieli Namoa is to pay Siosaia Moehau's costs of the proceeding, to be taxed in default of agreement.
5. The First and Second Plaintiffs are to bear their own costs of the claim.
6. The Defendants are to pay the First and Second Plaintiffs' costs of the counterclaim.

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7. The Registrar of the Supreme Court is to forward copies of the reasons for judgment and the first agreement dated 31 October 2018, the variation to that agreement dated 1 February 2019 and the second agreement dated 1 February 2019 (including page 5 thereof) to the Ministry of Lands and Natural Resources and the Ministry of Revenue and Customs for consideration and any further investigation they may consider appropriate.

NUKU'ALOFA
1 December 2022



A handwritten signature in blue ink, appearing to read "M. H. Whitten".

M. H. Whitten KC
LORD CHIEF JUSTICE