

# QUALITY MOTEL LIMITED -V- ATTORNEY-GENERAL

High Court of Solomon Islands  
(Palmer ACJ)

Civil Case No. 308 of 2001

Hearing: 12<sup>th</sup> February 2002  
Judgment: 12<sup>th</sup> February 2002

*A. Radclyffe for the Plaintiff*  
*J.A. Keniapisia for the Attorney-General*

**Palmer ACJ:** This is a simple claim against the Attorney General representing the Government of Solomon Islands for charges incurred by a former Government Minister in respect of accommodation and other related charges whilst residing at Quality Motel for the period from 22<sup>nd</sup> July 2000 to 2<sup>nd</sup> November 2001. There is no dispute that the charges were duly incurred.

The writ and claim were filed on 12<sup>th</sup> November 2001. Defendant entered appearance on 16<sup>th</sup> November 2001. Last date for filing of defence was 14<sup>th</sup> December 2002. Defendant failed to file defence and so Plaintiff applied for leave to enter judgment under Order 29 Rule 14 of the High Court (Civil Procedure) Rules 1964 ("the Rules"), by summons filed 14<sup>th</sup> December 2001. The summons was eventually listed for hearing some two months later.

On 11<sup>th</sup> February 2002, Mr. Keniapisia filed affidavit seeking to justify why leave should not be granted. At paragraphs 3 to 7 he explains the reasons for delay in getting instructions. The only comment I will make is that I would expect Government Officers and Departments that are being sued to be shining examples in meeting deadlines and times set under the rules. They should be the ones running to the Office of the Attorney-General to have this matter sorted out and not vice versa, as indicated by Mr. Keniapisia. That kind of behaviour cannot be condoned.

At paragraph 9, Mr. Keniapisia deposed that he received full instructions on 23<sup>rd</sup> January 2002. No defence however has been filed to date. To the contrary, there was some indication at paragraph 10 that a settlement might be considered. That respectfully signals some concession on the part of the Defendant that part if not, the entire amount claimed is admitted. It appears that if there is to be any dispute it may lie only with question of liability of other related expenses (food, drinks etc.). It seems that accommodation charges are not disputed.

The only condition on which I would allow Defendant to file defence is if it puts up front the sum of \$172,137-00 to show its seriousness, failing that the Plaintiff is entitled to the orders sought. At the end of the day there is nothing to prevent Defendant from taking actions against its ex-Minister for recovering what may be owed. It seems ridiculous anyway, that a Minister should be charging Government for personal expenses like drinks and food, which rightfully he should be paying, unless of-course it had been included in the package for his accommodation at the Motel. If the analogy is correct, it is like Public Officers asking Government to pay for their meals etc.

In the circumstances, leave to enter judgment is granted but **suspended** for seven days to allow Defendant time to pay to court the sum of \$172,137-00, failing which, the suspension shall lapse and order for leave activated. If Defendant pays the sum of \$172,137-00 into court within seven days,

then the suspension order shall continue for another 14 days to allow the Defendant time to file defence. If Defendant files defence, then the suspension order shall continue indefinitely until trial of action. If however, Defendant fails to file defence, then the suspension order shall also lapse and the order for leave activated.

**Orders of the Court:**

1. **Grant Leave to enter judgment in default of defence but suspended for seven (7) days on condition that Defendant pays into court the sum of \$172,137-00, failing which, the suspension order shall lapse.**
2. **If Defendant pays into court within seven (7) days the sum of \$172,137-00, then suspension order shall continue for another fourteen (14) days to enable Defendant file defence.**
3. **If Defendant files defence within fourteen (14) days, then the suspension order shall continue indefinitely until trial or further orders.**
4. **If Defendant fails to file defence within fourteen (14) days, then the suspension order shall lapse and the order for leave to enter judgment activated.**
5. **Plaintiff to have its costs.**

**THE COURT**