

CATHERINE TA'ARI, BILLY OGE, GEORGE OPANIIRA AND KRISTERN GALO-v-SHELL COMPANY (PACIFIC ISLANDS) LIMITED AND AUKI DISTRIBUTIORS

HIGH COURT OF SOLOMON ISLANDS
(Mwanasalua, J.)

Civil Case No.322 of 1999

Hearing: 22nd June 2005
Ruling: 6th October 2005

A. Hou for the 1st Applicant
J. Katahanas for the Respondent

RULING

Manasalua, J: The 1st Applicant, Catherine Ta'ari, comes from One'One village, in Malaita Province. On or about 7th October 1997, she sustained burns resulting from an explosion of kerosene supplied by the Respondents.

The 1st Applicant claimed \$23,000.00 for damages from the Respondents in respect of the injuries she sustained from the explosion. The Respondents made an out of court settlement of the 1st Applicants' claim without admission of liability. On 11th November 1999, the court made an order ("*the 1st Order*") approving the settlement of the claim and for the \$23,000.00 to be paid into court within 14 days in respect of the 1st Applicant.

On 15th September 2000, the court made another order ("*the 2nd Order*") to authorize, among other things, the payment out of the court of \$20,000.00 in respect of the 1st Applicant to be deposited into a term deposit account at the National Bank of Solomon Islands.

I note that the amount of \$23,000.00 was ordered to be paid into court in respect of the 1st Applicant under the 1st Order, but only \$20,000.00 was paid out of court to be deposited into the term deposit account under the 2nd Order. There is no evidence to show how the sum of \$23,000.00 was reduced to \$20,000. I think the amount of \$20,000.00 in the 2nd Order is a typing error which can be corrected under O.30, r 11 of the High Court (Civil Procedure) Rules.

I do not know if Counsel for the 1st Applicant is impossession of a copy of the 2nd Order. It seems that he did not, otherwise, he would have applied for the release the funds from the term deposit account for payment to the 1st Applicant under Clause 7 of the 2nd Order. Counsel for the Respondents neither supported nor opposed the application. In that case, I will treat this application as being lodged

under Clause 7 of the 2nd Order. Counsel for the Respondents also confirmed that \$23,000.00 was paid into court under the 1st Order in respect of the 1st Applicant.

The 1st Applicant was a minor when her money was paid out the court and deposited into the term deposit account. She is now 22 years old. Having attained majority, she is entitled under Clause 7 of the 2nd Order to be paid the \$23,000.00 principal plus interest thereon from the term deposit account.

I grant the application and make the following Order –

1. **The amount of "\$20,000.00" in Clause 1(a) of the 2nd Order be varied to the amount of "\$23,000.00."**
2. **The sum of \$23,000.00 plus interest be paid out of the Term Deposit account at the National Bank of Solomon Islands to the 1st Applicant.**
3. **I make no order as to costs.**

**Francis Mwanosalua
Puisne Judge**