

**TU'IKOLOVATU PALU v. LESIELI TAUFAPA PALU.**

(Civil Appeal : Higginson J. Nuku'alofa, 6th November, 1950)

Amount claimed in Summons within Magistrate's Jurisdiction Evidence shows that value of claim more than £50 — Duty of Magistrate.

In this case the Plaintiff claimed from the Defendant a house stated in the particulars of claim to have a value of £50. The Magistrate who heard the case found that the house was worth more than £50 and that the case should have been brought in the Supreme Court. However he determined the case on its merits and gave a verdict for the Defendant.

The Plaintiff appealed.

HELD. The Magistrate should have refused to hear the case. A fresh summons should be issued in the Supreme Court.

Finau for the Appellant.

Tu'akoi for the Respondent.

HIGGINSON J.. From the Plaintiff it is clear that in the Lower Court the value was admitted to be over £50. On this admission the Magistrate should have disclaimed jurisdiction and ordered the Plaintiff to take the case of the Supreme Court and forwarded his file to the Registrar.

This case must be treated as a Supreme Court case and heard as such. Fresh summons to issue stating the true value.

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