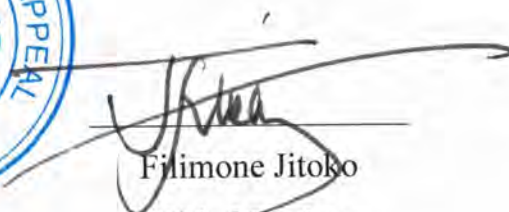


March, 2017; the default judgment entered on 18 May 2017, and the Declaration to Ownership of the house on Land Portion 262 Buada District of 14 June 2017.

2. Mindful of my earlier role in this case, I had met both counsels in Chambers this morning to raise the issue. The most important question is, given my earlier involvement would there be a perception of bias from either of the parties to the proceedings, if I should continue to hear the case.
3. I informed Counsel that I was prepared to continue with the hearing of the case, if both parties agree. Counsel for the Applicant did not have any objection, but Counsel for the Respondent expressed some reservations.
4. The issue of the independence and absence of bias of the Court forms the fundamental tenet of our justice system. It is true that the mere fact that I had earlier decided on issues adversely to the respondent, is not generally considered a reason to recuse myself from further hearings of the matter. However, in the overall consideration of the case and the additional factor of my ruling in a related matter involving with the same parties, I am satisfied, that it would be in the best interest of justice that I recuse myself from hearing this case.
5. The matter is adjourned before the Registrar for re-allocation.




Filimone Jitoko
Chief Justice

President Court of Appeal