HANAKO, Appellant

v.

MARIA, Appellee

Civil Action No. 210

Trial Division of the High Court

Truk District

April 14, 1962

Appeal from judgment of District Court in which it was held that defendant was not liable for costs of building and repairing of boat by plaintiff's father. The Trial Division of the High Court, Chief Justice E. P. Furber, held that work was done as part of contribution to business and that there was no separate charge incurred therefore.

Affirmed.

1. **Courts—Parties**
   Civil action should be brought in name of person who owns it or has real interest in result, and daughter of owner of claim has no real interest.

2. **Partnership—Contribution**
   Where work has been performed as part of contribution to business, and there is no intent to charge separately, court will not award separate payment for work performed.

3. **Partnership—Contribution**
   Where business is terminated, there may be ground for accounting between contributors.

Interpreter: SABASTIAN FRANK
Counsel for Appellant: PIOS KACHUO
Counsel for Appellee: FRANK NIFON

FURBER, *Chief Justice*

This is an appeal from a judgment holding that the appellee—defendant, below—is not liable for the building and repair of a twenty-foot boat by the father of the appellant—plaintiff below.

Counsel for the appellant, who was the plaintiff in the District Court, claimed that the plaintiff Hanako had

agreed to represent her father Naoro in this action and that the evidence showed he had built and repaired a twenty-foot boat suitable for outboard motor for the defendant and at her request and had not been paid for it.

Counsel for the appellee, who was the defendant in the District Court, claimed that the evidence showed Naoro had made the boat for a business conducted by his wife Katir and the defendant Maria, in which Naoro had been cooperating and from which he received benefits and that his work had been done without any expectation of direct payment in cash, but simply as part of his wife's contribution to the business in the same manner that the defendant's relatives had assisted in the business.

OPINION

[1] The evidence fails to show that the plaintiff, Hanako, even owns the claim on which the action is based. There is no evidence that the claim was ever assigned to her or that she has any connection with it except for the fact that she is the daughter of the real claimant. Under our practice a civil action should be brought in the name of the person, or one of the persons, who owns it and has a real interest himself or herself in the result. No reason at all is given or shown for this claim being brought by Hanako on behalf of her father, except so far as it may be inferred that it was done to obscure Naoro's connection with, and participation in, the business for which the boat was built and in which it was used.

[2] Disregarding the matter of the name in which the action was brought, however, the evidence was amply sufficient to justify the trial court in finding that the work performed by Naoro for which claim is made here, was performed as a part of his participation in the business conducted by his wife and the defendant Maria, and that

there was no thought of any separate charge for this work until the business was given up.

[3] From the evidence it may be inferred that there may possibly be ground for an accounting between the defendant Maria and Naoro's wife Katir in connection with the termination of their business, but if there is, neither the plaintiff Hanako nor her father Naoro has the right to this. The fact that Katir already obtained judgment against Maria in the Fefan Community Court for certain of the property used in the business throws considerable doubt even on behalf of her husband Naoro to recover certain property he had loaned to the business. Counsel for the appellant, however, claims that a division of the assets was agreed upon or determined in connection with that action. This illustrates the confusion that can be caused by bringing an action in the wrong name.

JUDGMENT

The judgment of the Truk District Court in its Civil Action No. 211 is affirmed.