

ORIGINAL

IN THE SOLOMON ISLANDS COURT OF APPEAL

NATURE OF JURISDICTION: Appeal from Judgment of the High Court of Solomon Islands (CAC 6 of 2014)

COURT FILE NUMBER: Civil Appeal No. 6 of 2014 (On Appeal from High Court Civil Case No. 482/10)

DATE OF HEARING:

DATE OF JUDGMENT: 13th April 2015

THE COURT: Goldsbrough President
Ward JA
Palmer CJ, JA

PARTIES: Charles Ashley APPELLANT
-v-
Australia and New Zealand Banking Group RESPONDENT

ADVOCATES:

Appellant: Mr Ashley (In Person)

Respondent: Mr Radclyffe

Key Words:

Ex tempore: Judgment

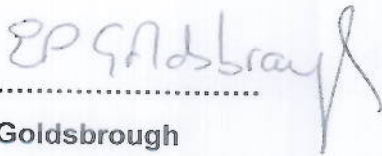
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COURT: We have been able to reach a decision on the application and I am going to give briefly the reasons of the Court in coming to its conclusion. We come to the

conclusion that it has not been established that the Respondent Bank was prejudiced having removed the charge which they once had on this property given that the Respondent Bank at the same time benefitted from payment of the whole of the Judgment debt.

Now we note that there was no indication prior to payment of the judgment debt from the Appellant that the purpose of payment was intended to signify acknowledgement of the correctness of the judgment. We note there are many reasons why a litigant may choose to settle a judgment debt in this way rather than seek a stay of the judgment and we do not regard anything improper about that. We also note that payment of the judgment debt will not always, as suggested by the Respondent Bank, amount to an estoppel.

For those reasons the application to strike out the appeal is dismissed with costs, those costs to be agreed or taxed. Thank you.



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Goldsbrough
President of the Court of Appeal



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Ward JA
Member of the Court of Appeal



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Palmer CJ
Member of the Court of Appeal