

NORMAN PALMER -v- THE NORTH NEW GEORGIA TIMBER CORPORATION
AND JOHN TALASASA

High Court of Solomon Islands

(Registrar, Chetwynd)

Civil Case No. 209 of 1990

Hearing: 24th October 1991

Judgment: 25th October 1991

A. Radclyffe for Plaintiff

T. Kama for First Defendant

F. Waleilia for Second Defendant

REGISTRAR CHETWYND: This, on the face of it, is a simple application for Directions made by the Plaintiff. Given the history of this case (and the associated case brought by Ian Kopele Talasasa against the Defendant and others) it is anything but simple. I have taken the unusual step of reserving judgement on the application and the parties agreed to my ruling being given in writing.

Following what can, at best, be described as an unfortunate breach of confidence emanating from the Prime Ministers Office the second Defendant objected to this case being tried by the learned Chief Justice. Attempts were made to have the case heard by another Judge from outside this Jurisdiction. Those attempts almost came to fruition on 30th September when Judge Amet from P.N.G was due to hear the case. Unfortunately because of potential problems in PNG Judge Amet had to cancel his visit.

In an effort to assist the parties I wrote to all the solicitors concerned on 3rd October. I suggested that I sit to hear at least the Preliminary points. In reply I heard from the Second Defendant's Solicitor who informs the Court that his client "is not confident that (my) impartiality has not been compromised". I have asked the second Defendant to provide more details of the circumstances which led to this conclusion. No particulars have been provided. All parties seem anxious to have this case dealt with. I sympathise with them. They are entitled to expect their litigation to be decided within a reasonable time scale.

Against that desire to have matters concluded quickly I have to balance the desire for justice to be seen to be done. The courts will strive to see that cases are decided without

bias or pre-judgement on the part of the Judiciary, and further, the courts will strive to see that no litigant is left with the impression that that has occurred.

In the present case the second Defendant seems to think that efforts by the court to be seen to be dealing fairly and without bias means that he can choose his tribunal. He must now be disabused of that view. When real bias is shown the court will act. When that bias is imagined the court will not act.

It is time this case was disposed of and my order today is that the Application for directions be adjourned to another date, namely 7th November 1991 at 2.30pm. At the same time I will also deal with the application made by the second Defendant dated 26th February 1991. This is accordance with the order made by the learned Chief Justice on 21/1/91.

Although I have today only touched on directions in this case it maybe that further directions can be given in both this case and that numbered 0 of 1991. Counsel for the parties may then be best advised to be ready to mention further directions in both cases. These will be relevant whether or not the Public Solicitor continues in this case.

Dated 25th October 1991.

(R.D. Chetwynd)
REGISTRAR OF THE HIGH COURT