

PAPUA NEW GUINEA
[IN THE SUPREME COURT OF JUSTICE]

SCA 18 of 2014

BETWEEN:

JOE MOSES, RATOOS GARI AND THOMAS BULU
for themselves and on behalf of the settlers of Paga Hill
settlement area
Appellant

AND:

**PAGA HILL DEVELOPMENT COMPANY
(PNG) LIMITED**
Respondent

O R D E R

THE COURT ORDERS that:

1. Grounds 1 and 2 of the Notice of Appeal filed on 27 February 2014 be upheld.
2. Orders 3 and 4 of the National Court orders of 29 January 2014 in proceedings OS No. 573 of 2012 be set aside.
3. The orders of the National Court of 29 January 2014 in proceedings OS No. 573 of 2012 be varied by the addition of the following orders:

"(3) The "Land Known as Portion 1597 Granville, National Capital District, being the whole of the Land contained in State Lease Volume 34 Folio 176, formerly in State Lease Volume 24 Folio 249" referred to in Order 1 herein excludes the piece of land near the south of Paga Hill and towards Paga Point described as "reclaimed land" in paragraphs 4 – 7 of the affidavit of Tony Ilave sworn 12 September 2013 in OS 573 of 2012.

(4) The Writ of Possession referred to in Order 2 herein does not apply to the Sixth Defendants in relation to the "reclaimed land" referred to in Order 3 herein.

✱ (5) The Third to Fifth Defendants shall pay the Plaintiff's costs of and incidental to this proceeding."

4. Orders 1 and 2 of the National Court orders of 29 January 2014 in proceedings OS No. 573 of 2012 be confirmed.

✱ 5. The respondents pay the appellants' costs in the Court below and in this Court, to be taxed if not agreed.

6. The stay order granted on 14 March 2014 be discharged.

✱ 7. Time for entry of these orders be abridged to the time for settlement of these by the Registrar which shall take place forthwith.

DATED this

18th

day of

July

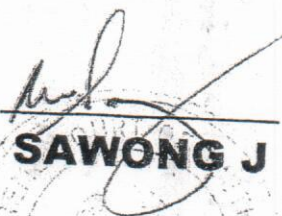
2014.

BY THE COURT

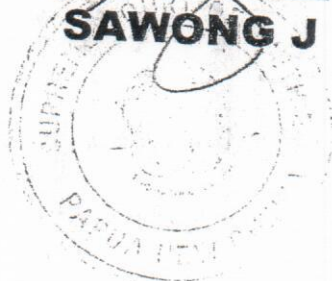


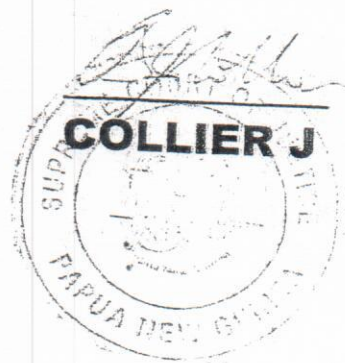
SAKORA J





SAWONG J





COLLIER J

