

**IN THE COURT OF APPEAL
OF THE REPUBLIC OF VANUATU**
(Appellate Jurisdiction)

**Civil Appeal
Case No. 16/2091 CoA/CIVA**

BETWEEN: FELIX LAUMAE

Appellant

AND: CLAIRE DORNIC

Respondent

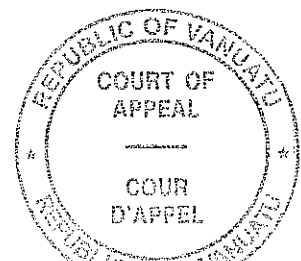
Coram: Hon. Justice Bruce Robertson
Hon. Justice John Mansfield
Hon. Justice Oliver Saksak
Hon. Justice Daniel Fatiaki
Hon. Justice Dudley Aru
Hon. Justice David Chetwynd

Hearing Date: 20 July 2016

Date of Judgment: 22 July 2016

RECORD OF JUDGMENT

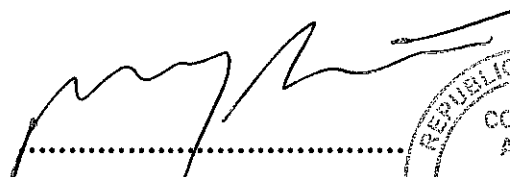
1. This was an appeal against the whole judgment of the primary judge in the Supreme Court given on 12 May 2016 when the Court entered judgment against the appellant.
2. The matter had been first listed for mention on 18 March 2015 by Justice Harrop. It was relisted for mention before Justice Geoghegan on 29 April 2016. Notwithstanding the intimation of what could occur the judge entered judgment against the appellant. The appellant did not appear on that date.



3. The appellant's grounds of appeal were that –
- (a) The matter was only listed for mention and not a hearing.
 - (b) There is a dispute about the monies claimed; and
 - (c) There was a breach of natural justice.
4. The specific minute of Justice Harrop dated 18 March 2016 said at paragraph 19 –
- “The case will be called again for mention before Justice Geoghegan on Friday 29 April 2016 at 3pm when directions will be made in light of the Court of Appeal’s ruling on the intended appeal.”*
5. At the hearing on 20 July Mr Sugden conceded the appeal purely on the point of procedural integrity. However the appellant also sought an order from this Court that the matter be remitted to a different judge of the Supreme Court. Mr Sugden opposed this. It is not a case where it is necessary or appropriate to make any direction. That is a matter for the Chief Justice.
6. We announced on 20 July that as the appeal was conceded, we allowed the appeal and remitted the matter to the Supreme Court. There was no order as to costs on the appeal, and all orders made in the Supreme Court on 29 April 2016 were quashed.

DATED at Port Vila this 22nd day of July, 2016.

BY THE COURT


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Justice Bruce Robertson

