

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

**Civil Appeal
Case No.17/333 CoA/CIVA**

**BETWEEN: MARINETTE MAHIT and THE ESTATE OF ALLAN
JIMMY MAHIT**

Appellant

AND: IFIRA LAND CORPORATION LIMITED
First Respondent

AND: REPUBLIC OF VANUATU
Second Respondent

Coram: *Hon. Justice John von Doussa
Hon. Justice Ronald Young
Hon. Justice Daniel Fatiaki*

Counsel: *Edward Nalyal for the Appellant
Mark Hurley for the First Respondent
No appearance for the Second Respondent*

MEMORANDUM

1. This appeal was listed in the July 2017 session. When the matter was called the Court was informed that the appeal had been discontinued, but the parties were in disagreement over the quantum of the first respondents' costs payable on the discontinuance.
2. The Court heard oral submissions from counsel, and obtained information as to the work necessarily undertaken by the first respondent's lawyers before they were notified of the discontinuance. The first respondent sought the sum of VT50,000. This is the amount commonly awarded by this court to a successful party where an appeal is withdrawn or discontinued shortly before the session starts. We considered the work performed by the first respondent lawyers in this instance made an award of VT50,000 appropriate.
3. The Court therefore ordered that the appellant pay the first respondent the sum of VT50,000 consequent on the discontinuance of the appeal.

DATED at Port Vila, this 21st day of July, 2017.

BY THE COURT

[Signature]
**Hon. Vincent LUNABEK
Chief Justice.**

