

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

**Civil Appeal
Case No. 21/697 CoA/CIVA**

BETWEEN: REPUBLIC OF VANUATU
Appellant

AND: PETER IAUS
Respondent

Coram: *Hon. Chief Justice Vincent Lunabek
Hon. Justice Richard White
Hon. Justice Dudley Aru
Hon. Justice Raynor Asher
Hon. Justice Gus Andrée Wiltens
Hon. Justice Viran Molisa Trief*

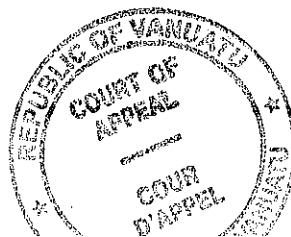
Counsel: *Mr H. Tabi for the Appellant
Mr C. Leo for the Respondent*

**Date of Hearing:
and Decision:** *7th May 2021*

CONSENT ORDERS ALLOWING APPEAL

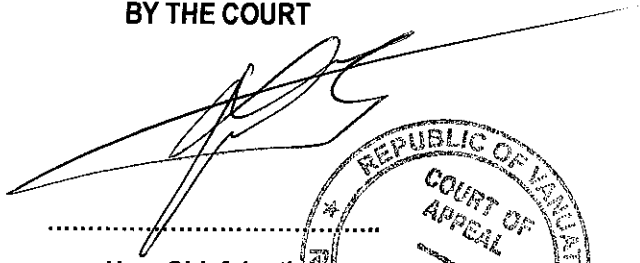
At the outset of this appeal Counsel for the parties, Mr Tabi and Mr Leo, advised that they had reached agreement and that the appeal could be allowed by consent. We agree that the application to set aside the default judgment should be allowed, as the test for setting aside default judgments was met. We accordingly make the following orders, which reflect the terms of the agreement:

1. The appeal is allowed;
2. The default judgment of 5 February 2021 is set aside ;
3. The matter is to go back to the list and to proceed in the usual way. The file is returned to the management of Justice O. Saksak ;
4. Costs in this Court in favour of the Appellant are to be paid by the Respondent in the sum of VT20,000 within 14 days ;
5. The costs order in the Supreme Court is set aside, and there will be no order for costs in the Supreme Court.



DATED at Port Vila, Vanuatu, this 14th day of May, 2021

BY THE COURT



Hon. Chief Justice
Vincent Lunabek

