

IN THE MAGISTRATE'S COURT  
OF THE REPUBLIC OF VANUATU

Civil Case No. 151 of 2000

(Civil Jurisdiction)

BETWEEN: DAVID YAM  
Plaintiff

AND: KALTALIU KALPUKAI  
Defendant

**O R D E R**

This action was commenced by way of Writ of Summons in which Plaintiff sought damages in the sum of VT 800,000, and various injunctive orders.

The claim is based on the assumption that Plaintiff is custom owner of the land Emetnai situated at Pango village, South East Efate. Apart from his general claim to ownership four documents were produced (marked as Annexures (1,2,3 and 4) in support of his claim.

Annexure 1, a document titled "Land Reform Act, Chapter 123 Section 6", and signed by Honourable Maxime Carlot Korman former Minister of Lands.

This document does not lend support to the plaintiff's claim of ownership. It only confirm that plaintiff is a negotiator of Emetnai Custom Land for purpose of negotiations is compliance with section 6 of the Land Reform Act [Cap 123].

Having determined the application, I am not satisfied that the plaintiff has shown by evidence that the land Emetnai is owned exclusively by him.

Whilst the dispute over land ownership remain unresolved any temporary orders sought must only be seen as preserving the status quo of the parties.

The following orders are made :

1. The orders sought by the plaintiff are hereby refused.
2. That the previous court order of 16 September 2000 be extended for a further 12 months as of the date of this order.
3. That both parties are at liberty to apply for variation of the order anytime on notice.

4. Parties pay own costs.

Dated at Port Vila this 9<sup>th</sup> day of February, 2001.  
BY THIS COURT

*Kewei Kawiu*  
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KEWEI KAWI-IU  
Senior Magistrate

