

ANNEEXURE 4th

**IN THE MAGISTRATES' COURT
OF THE REPUBLIC OF VANUATU**

Civil Case No. 94 of 2001

(Civil Jurisdiction)

BETWEEN: DAVID YAM KALMET
(Plaintiff)

AND: KALTALIU KALPUKAI
(Defendant)

ORDER

Having heard both, Counsel for the Plaintiff and Counsel of the defendant, this Court finds as follows:

1. The first order was an Interim Restraining Order made on the 16th of September 2000.
2. The Order referred to above was based upon a Writ of summons entertained by the Magistrate's Court on the 9th of February 2001. And having dismissed the Writ on the 9th of February 2001, the Court then extended the order of September 16th for a further period of 12 months.
3. On the 15th of May 2001, the defendant was alleged of breaching these orders.
4. Before the Supreme Court ruled on the 18th of October 2001 that these orders should never be extended, this Court finds that the orders of February 9th 2001 are legally in force since 9th February 2001 to the 18th of October 2001.

Upon these findings, this Court rules that the application for contempt is proper.

The Court has not heard the defense, as far as the allegation of contempt of Court is concern. And I have also found it now impossible to enforce the orders in question because the Supreme Court has already made a ruling on those. I will direct that the complaint be made by way of a criminal charge.

This Court takes into account the number of adjournments in the past and the reasons behind those adjournments and therefore makes no order as to costs.

Dated at Port Vila this 20th Day of November 2001

By the Court

Stephen D. PELLY
Magistrate

