

Inside Long Santo/Malo Island Court  
Held at Luganville, Santo.  
(Civil Jurisdiction)

Civil Case No.29/2008

Between: Jennyfer George blong Santo

(Plaintiff)

And: Alick Pakoa blong Tongoa

(Defendant)

Date: 28<sup>th</sup> July 2008

Bench: Justice Petro Rite  
: Justice Alick Sagan  
: Justice Jerome Tura  
Clerk : Kollan Nicholas

Matter: Application blong Child Maintenance under Part 1 Section 2 sub.  
Section ( a) of Children Maintenance Act Cap 46.

### **JUDGMENT**

Court i harem se Defendant Alick Pakoa ino liable long claim we Plaintiff Jennyfer George i putum againsem hem .Therefore Kot i proceed blong harem trail blong case ia  
Plaintiff Jennyfer George i gat one witnis nem blong hem Georgelin Juda mo Defendant Alick Pakoa ino gat witnis.

#### **Evidence Blong Plaintiff Jennyfer George- Promis long Bible.**

Mi aot long Sara mo mi kam stap wetem Defendant Alick Pakoa long beginning blong May 2006. Full manis blong May kasem June. Mitufala i live togeta long single Police house long Barrack kasem July namba 30 mi kam down mi lusum manis finis. Mitufala i stap long garden blong hem mi talemaot long hem mo hemi talem se mi kiaman. Afta mi stap kam live long Sarakata. Long first week blong August 2006 mi go long Malekula. Mi stap 3 manis long Malekula.

Kasem 4 manis blong mi long November, mi ringem Defendant Alick Pakoa mo talemaot long hem. Hemi talem se bai mi kam bak. Mi kam kasem long ples ia mi gat 6 manis. Mi go kasem Alick Pakoa antap long Barrack. Mi talem long hem blong i helpem mi be hemi no wantem. Hemi se pikinini ino blong hem. Hem yet i talem long mi se pikinini i bon fastaem afta bai oli tekem blood blong mitufala from pikinini ino blong hem.

Stat today mino save se pikinini ia i blong who? Mi wantem se Alick Pakoa i talemaot Papa blong pikinini ia long mi. Be mi save se pikinini ia i blong hem (Alick Pakoa) nomo.

**Evidence Blong Georgelin Judah - 1<sup>st</sup> Witnis blong Plaintiff Jennyfer George – Promis long Bible.**

I tru se pikinini ia hemi pikinini blong Alick Pakoa from Alick Pakoa nomo i wantem woman. Hemi wan gud friend blong mifala mo gil to istap long hand blong mifala.

Long taem we Alick Pakoa i askem wan woman, Papa blong mifala Jude i tekem gil blong hem Jennyfer mo givim long hem (Alick) mo talem se bai hemi lukaotem gud hem. Afta tufala istap plenty manis. Tufala i walkaot i kam long mifala long Pumb Station mifala i sleep.

Mifala i luk se pikinini i blong Alick . Nao face blong pikinini i tekem gud face blong Alick Pakoa. Yumi ol human being.

Afta pikinini i bon Alick Pakoa i talem long Daddy blong mifala se bai hemi tekem pikinini wetem Mama blong hem. Afta behind hemi talem se pikinini ino blong hem.

**Evidence Blong Alick Pakoa Defendant – Promis long Bible.**

Hemi tru se hemi (Jennyfer George) kam long manis May mo hemi go stap wetem sista blong mi long Show Ground. Long afternoon nomo mi stap go tekem hem ikam long single quarter from hemi no allow blong ol woman i sleep long hem.

Long June Jennyfer ikam daon long Sarakato ino July olsem hemi talem. Long namba 3 June 2006 hemi drong i kam tru antap long 6.00 klok long

morning. Mi askem se yu dring wetem who? Hemi se hemi dring wetem Heather.

Long namba 8 June 2006 long early morning. Mi askem se yu kam wetem who? Hemi se wetem wan we i wintis long hem Georgelin Juda mo Uncle blong hem Juda. Taem ia anty blong hem i wok long stall long La Place so mi go askem hem se Jennyfer i dring wetem yu? Hemi talem long mi se no hemi no dring wetem mi.

Long namba 22 June 2006 long 2.00 klok long early morning hemi callem mi bakeken. Mi openem door mi finem se hemi drong. Mi askem hem se yu dring wetem who? Hemi talem se wan man Paama we i wok long ship.

Long namba 27 June 2006 long 6.30 long early morning Jenneyfer i dring i kam tru. Mi askem se yu dring wetem who? Hemi talem se Anty blong hem wetem wan Driver blong Hoghabour. Long manis July mi nomo kam blong lukim hem.

Taem Jennerfer istap long Malekula long 2 October 2006 hemi ringem mi long Offis blong ol Police long Luganville Santo mo hemi talem se naoia mi gat bel. Mi talem long hem se man we i pem rod blong yu igo bai i pem rod blong yu i kam bak. Ol fasion blong hem ia nao i mekem se mi no save se pikinini i blong mi o no gat. Mekem se taem pikinini i bon mi nomo go lukim hem.

Long Part 1 section 3 sub. Section (b) blong Chikdren Maintenance Act CAP 46 i talem;

“A cause of action shall only lie if there is evidence to the fact that during the normal period of conception the parties lived together (have sex) as husband and wife.”

Mo long Part 1 Section 4 Sub. Section (a) and (b) i talem,

Notwithstanding the provisions of section 3 a cause of action shall not lie if there is evidence

(a) that during the normal period of conception the mother was of notorious loose behaviour;

(b) that during the said period the said mother had sexual intercourse with another man.

#### Findings.

1. Court i acceptem evidence we Plaintiff Jennyfer George i givim se hem (Jennyfer) i kam stap wetem Defendant Alick Pakoa long manis May mo June 2006 mo hemi lusum manis long July even witnis blong hem Georgelin Juda i confirmem long court se Plaintiff Jennyfer mo Defendant Alick i stap together plenty manis.
2. Court i acceptem evidence we Plaintiff Jennyfer i givem long cross examination se Defendant Alick Pakoa nomo i sex wetem hem afta hemi lusum manis long July 2006.
3. Court i acceptem evidence we Plaintiff Jennyfer George i givem se tufala i sex long manis May mo June 2007 mo long July hemi lusum Manis mo hemi bonem pikinini long 3 March 2007. Hemia hemi nine (9) manis stret we pikinini i bon long hem mo hemi normal period we one woman i tekem blong gat bel bifo hemi save bonem pikinini.
4. Court i observem face blong pikinini ia Katherine Palo Arori i takem stret face blong Defendant Alick Pakoa.
5. Evidence blong Defendant Alick Pakoa we i kivim long Court se Plaintiff Jennyfer George i dring wetem Heather, one Driver blong Hoghabour mo one man Paama ino convincem Court se Plaintiff Jennyfer George i sex wetem narafala man from ino gat enough prov long hem mo to Defendant Alick Pakoa ino gat witnis blong sapotem toktok blong hem.


Wetem ol points antap, Court i finem se Defendant Alick Pakoa i liable long application blong Child Maintenance we Plaintiff Jennyfer George i putum againsem hem(Alick Pakoa).

#### **ORDER BLONG COURT**

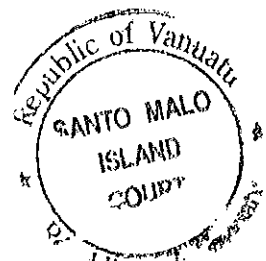

1. Defendant Alick Pakoa i pem child Maintenance long Plaintiff Jennyfer George every manis blong lukaotem gud pikinini ia Kathrine Palo Arrori.

2. Defendant Alick Pakoa i pem Vt4.000 long Plaintiff Jennyfer George stat long August 2008 kasem taem pikinini ia Kathrine Palo Arrori i gat 18 years old.
3. Defendant Alick Pakoa i pem cost blong Vt1.000 long Plaintiff Jennyfer George long 30<sup>th</sup> August 2008.
4. Spos Defendant Alick Pakoa ino glad long order ia hemi apil long Magistrate Court within 30 days. Apil hemi effective long date blong Judgment.

Dated long Luganville long 28<sup>th</sup> July 2008.

  
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Justice Petro Rite

  
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Justice Alick Sagan

  
  
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Justice Jerome Tura