

IN THE EFATE ISLAND COURT
HELD AT PORT VILA

Civil Case No. 2 of 2008

(Civil Jurisdiction)

BETWEEN: **CHIEF PETER MASONGOMAPULA** of Siviri Village,
North Efate
Claimant

AND: **EDDIE KALOWIA** of Siviri Village,
North Efate
Defendant

Coram: Justice Eddie Karis
 Justice Sam Marpakoa
 Justice Joshua Harry

Clerk: Jona Mesao

Date of Hearing: 3rd June 2009

JUDGMENT

Whereas, on the 3rd June 2009, the Court convenes at 8.36am to proceed with its business, the Clerk informed the Court that Claimant Chief Peter Masongomapula and his witnesses did not present in Court. The Court did ask the Defendant if, they have received any information in regards to Claimant's absence. In response, Mr Titus Taripu, on behalf of Defendant Mr Eddie Kalowia said that, they have not received any information in relation to Claimant's absence and they are ready to proceed.

Mr Titus Taripu, made a verbal application before the Court seeking for wasted cost for the Court to grant them on their favor. He further mentions that, they are in compliance with the Court decision made on 2nd June 2009, in which the Court clearly stated that it will resume today, the 3rd June 2009 at 8am to continue its business. They also, live at Siviri Village and pay their transport expenses to come to Vila to attend the Court sitting. Claimant fails to comply with the Court order and as a result everyone wasted their times, the Court and us the Defendants. All our witnesses travel from Siviri Village to Vila to attend the Court and also they pay transport fares to come. Therefore, I ask for the Court to award in our favor an amount of VT20.000 for refund of our expenses.

Having heard the information adduced before this Court, the Court hereby makes the following observation and Orders.

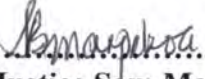


That, the Claimant has fully aware of the adjournment made on 2nd day of June 2009 by this Court to convene today 3rd June 2009 at 8am. The Court convenes at 8.36am. The Court also, takes into consideration, the distance where both parties take from Siviri Village to the Court venue. The distance is too far, however; it must be clear also, that it is the responsibility of each party to make necessary transport arrangements to be at the Court venue in time. However, we have no option but to award cost in favor of Defendant, under section 13 (a) of the Island Courts Act CAP 167.

ORDER

1. That Claimant pays VT20.000 as cost directly to Defendant.
2. That this matter be adjourned to 8th June 2009 at 8am.
4. That Claimant must appear before the Court on the above mention date and time.
5. Failure of non attendance, the Court may proceed in your absence and give Judgment against you after hearing the Defendant.


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Justice Eddie Karis


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Justice Sam Marpakoa


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Justice Harry Joshua

Dated at Port Vila, this 3rd day of June 2009

