

IN THE MALEKULA ISLAND COURT  
HELD AT LAKATORO/ MALEKULA

Civil Case No. 44/11

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(Civil Jurisdiction)

**BETWEEN: EMIL LAPENMAL**

(Claimant)

**AND: KALBENI LAPENMAL**

(Defendant)

**Coram: Jastis Kalman Hapsai**

**Jastis Robert Niptik**

**Jastis Shema Tasvaille**

**Klak – Wendy W. Raptigh**

**Matter; Dispute ova lo bladlaen**

**Court Decision**

**Brief background**

Claimant emi stap klem se Papa blo em Pascal Lapenmal emi gat 4 pikinini nomo; Gratiano, Emil, Jeannot mo Marie Jeane. Defendant, Kalbeni emi no tru blad laen blo olgeta be emi step brata blo olgeta – mining se Mama blo olgeta (Bena) emi tekem Kalbeni lo wan differen man. Claimant iklem se papa blo Kalbeni emi Simo Maltok. Simo Maltok emi stret brata blo Bena so bae lo custom Simo emi uncle blo Gratiano olgeta. Claimant oli stap stanap lo wan pepa we oli klem se Pascal italem bifo ided nao oli raetem se ‘Kalbeni (def) emi no pikinini blo Pascal be emi pikinini blo Simo’.

**Issue:**

Whether the custom Kalpeni emi stret pikinini mo blaen blo Pascal?

**Olgeta findings blo Kot:**

Dispute ia, unfortunately Pascal Lapenmal emi ded finis las year. Afta lo ded ia nao dispute iarise blo muvum out defendant. Rison, oli klem se from defendant emi no stap cooperate gud wetem olgeta (claimant). Lo wan occasion emi bin kilim Pascal taem Pascal ilaef yet mo iend up



lo hospital. Lo wan second incident taem Pascal ided ol family oli pem buluk lo defendant. We oli talem se sapos Pascal bae emi papa blo defendant bae defendant ishud givim fri buluk nomo.

Defendant Kalbeni emi confirm se lo tufala incident ia itru. Abaot fight betwin em mo Papa Pascal oli fixim finis. Lo taem ia ol Police oli tekem defendant mo sareem em lo cell 6 be tumorro lo em taem Pascal emi harem iaskem blo ol family go talem ol Police oli releasem em. Abaot buluk emi se buluk oli mas pem from se buluk ino blo em.

Kot I fortunate se Bena – mama blo ol claimant mo defendant emi laef istap mo emi appear lo Kot olsem witness blo defendant. Emi talem se toktok se defendant ino pikinini blo Pascal emi wan kiaman toktok. Kalbeni emi pikinini blo em wetem Pascal. Ol pikinini blo tufala; fes bon Gratiano, Kalbeni, Emil, Jeannot mo Marie Jeane.

Long cross examination, Kot inote se defendant emi 47 years nao, afta just last year afta we Pascal ided oli just startem dispute ia blo muvumaot em lo family tree blo olgeta.

Kot iquestion tu se why nao Bena, mama blo olgeta ilaef nomo be emi no stap lo taem we Pascal istap talem toktok ia we oli raetem ia se Kalbeni emi no pikinini blo Pascal.

Nara question se sapos Kalbeni ino pikinini blo Pascal then why tedei emi liv mo stap wok wetem family blo em lo ol property blo Pascal. Even lo cross examination claimant i admitim se Pascal imekem circumcise ceremony blo Kalbeni mo tu emi agri se ol family oli supportem Pascal blo pem woman blo Kalbeni.

**Kot ifinem ol points ia;**

se Property Pascal iseremaot lo evri pikinini blo em isemak.

Circumsise mo Maret, Pascal imitim evri wan blo evri pikinini blo em isemak

Pepa we ipresented se Kalbeni ino pikinini blo Pascal ino done lo wan taem we Bena i presence. So, bae Kot itekem se ino fair mo ino valid.

Ineva gat wan declaration from Pascal igo lo woman blo em mo ol pikinini blo em se Kalbeni ino pikinini blo em.

Lastly, toktok blo Bena emi confirm se Kalpeni istret pikinini blo em (Bena) wetem Pascal.

**Wetem ol findings ia Kot istap rule se;**

**Defendant, Kalbeni emi tru blad mo pikinini blo Bena mo Pascal Lapenmal.**

**Klem blo Emil Lapenmal emi dismissed.**

**Kot iorder se bae Emil mo Jeannot Lapenmal oli mas go bak mo mekem wan sori or reconciliation igo lo Uncle Simo, Mama Bena mo defendant Kalbeni blo mekem oli reunite olsem wan family mo wan blad nomo.**

**Custom reconciliation ia bae imas done within 2 wiks from tedei.**

**Each parti imitim own cost blo em.**



Dated at Lakatoro this 19<sup>th</sup> of December, 2011.

**Before;**



**Jastis Robert Niptik**



**Jastis Kalman Hapsai**



**Jastis Shema Tasvaille**

