

(Civil Jurisdiction)

Between: Agnes Atkin

**Claimant**

And: Namet Makran

**Defendant**

In the matter of payment of fine for defamation of Character in the sum of 50,000 vatu plus  
Court fee 1000 vatu

**Coram:** Justice Alfred Welsam  
Justice David Mesigtel tok  
Justice Keith Hopkins

**Clerk:** Fredington Aru

**Date of hearing:** 12<sup>th</sup> October 2011

**Appearance:** Both parties are served with summons and have appeared before the Court when it  
sat to determine the matter.

### **Decision**

This Court had sat down at Sola, Vanua Lava to determine the claim filed by the claimant Ms  
Agnes Atkin against the defendant Namet Makran.

Oh her statement of claim the complainant claimed that Namet Makran had defamed her name  
that she is a steal woman when both are quarreling on a Saturday morning on the 24<sup>th</sup> of  
September 2011 in Sola. Agnes was hurt by what Namet said about her and thus filed to the  
Court this Case seeking a relief of 50,000 vatu compensation.

Given the brief background, we will now shift through the party's evidences adduced by this  
Court.

Evidences:

Agnes Atkin testified in Court that Namet had defamed her name saying she is a steal woman.  
She said Namet said this when they quarrel one Saturday morning in Sola on the 24<sup>th</sup> of  
September 2011. She stated the quarrel emerged after they had been into a disagreement over

nangai trees in Kerepuak area (near Sola). The claimant Agnes said that she wants Namet to clarify the date and time of stealing which she is mentioning during their quarrel.

Namet when appearing and testifying before the Court stated that Agnes had been saying some words to her that made her very angry and loose her temper. It was this that prompted her to say to Agnes that 'perhaps you are stealing when you are still in Mota Lava'. Namet further went on to say that she remember an incident at one time when she was still a house girl for the Bishop of the Diocese of Banks/Torres. She said she was walking down to the beach to collect sea shells at that time and she got sight of a banana. She was intending to cut the banana on her return trip when suddenly she saw Agnes helping herself to the banana.

Asked whether or not they tried other alternative to sort the issue, Namet said Agnes refused to accept the idea and then made his way to file the case before this Court.

Pertaining to Namet's financial background when questioned by the Court shows she received 70,000 vatu per month from her rent house. Asked as to whether or not she can pay an amount of 50,000 vatu she replied 'no'. And too, she stated that she is sick with high blood pressure.

The Court when questioning Agnes takes note of the fact that Namet is her Palika.

After hearing both parties and their evidences we remind ourselves of the fact that both parties in this case are in custom are palikas and should maintain deep respect between each other.

Therefore we hereby give the following orders:

**Orders:**

- (1) Case is sent back to the chiefs to be cautiously dealt with as they see fit according to substantial justice.
- (2) Any parties aggrieved by this order have liberty to appeal to the Magistrates Court within 30 days as of today 12<sup>th</sup> October 2011.

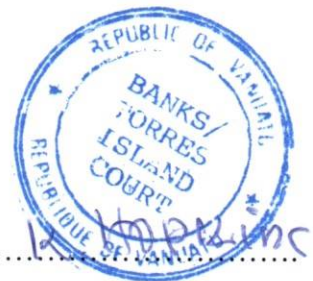
**DATED AT SOLA THIS 12<sup>TH</sup> OCTOBER 2011**



Justice Alfred Welsam



Justice David Mesigteltok



Justice Keith Hopkins