

**(Civil Jurisdiction)**

**Between:** Josian Wendor

Complainant

**And:** Samson Weman

Defendant

**Matter:** **Payment of Child Maintenance Cap 46**

**Coram:** Justice Badley George  
Justice David Lug  
Justice Phillip Morres Tabe

**Clerk:** Fredington Aru

**JUDGMENT**

The complainant Ms Josian Wendor filed this application before this Court against the defendant Mr Samson Weman for Payment of Child Maintenance pursuant to the Maintenance of Children Act Cap 46. She claimed the she had to children whom the defendant is their father. She claimed that the defendant is having an affair with another woman so she decides to leave the defendant. She claimed the amount of 4,000 vatu payment per month per child as Child Maintenance until they both attain 18 years of age. This accumulates her total claim to 8,000 vatu per month for both children. Plus, costs is 1,000 vatu.

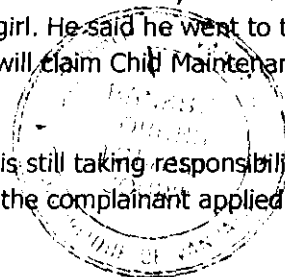
This matter was first dealt with by this Court on 11<sup>th</sup> October 2012 in Gaua. It was adjourned as the complainant is not served to be heard. The matter was relisted for hearing on 29<sup>th</sup> August 2013 and yet the complainant was not available to be served.

The issue for determination before this Court is, If the defendant admits paternity over the claim filed against him by the complainant, then the Court will take upon itself to decide as to how much the defendant be responsible to pay or give the plaintiff as part of his assistance towards the upbringing of the two children whom are subjected to in the claim before this Court. The Court is not interested in any other matters outside the claim on this case.

The defendant again was served and present before the Court when it sat to determine this case.

He testified before the Court that he paid 10,000 vatu to the complainant's family as part payment of bride price for the complainant. She said the complainant Ms Wendor ran away from him at one time when he was drunk and was initiating an affair of a boy and a girl. He said he went to take back his 10,000 vatu from the complainants parents but they say, they will claim Child Maintenance if they refund him; so he just leave it and go back.

He stated she is currently living with another man. He said he is still taking responsibility till date to look after his two sons-Sala Wendor and Sailas Wendor, which the complainant applied to Court for her assistance in looking after them.



The defendant further stated that one of the two children the first born Sala W. Wendor is residing with him and the other one is residing with their mother-the complainant. He stated that he paid school fees at 6,000 vatu per year for one of the child whom currently is attending nursery school at Gaua. He said despite the separation of him and the complainant, he still takes the responsibility look after one of the children who is with him and help out to assist the one living with the complainant.

The Court noted that the defendant admitted the paternity of the child amid the claim filed by the complainant against him. It noted that the defendant is taking responsibility over the two children and one of them is currently residing with him.

**Last words:**

The issue of child Maintenance claims is vested before this Court to determine in pursuant to the Maintenance of children Act Cap 46 of the Laws of the Republic of Vanuatu. It empowered unmarried women who are separately living from the father of their child/children, to seek assistance and justice before the Court for the father to assist in the upbringing of their child/children.

The Court would like to inform father of children in child Maintenance cases that, despite any issue in life between a boy and a girl prompting them to be separated, the interests of a child must not be overlooked. The life's problem of both parents is outside issues from the interests of the child and must not be considered as an excuse to ignore the responsibility of a father. He is born into the world as a child and he needed to be cared for. Whatever the reason it is, it must be clear that the interest of a child is of paramount importance. If a father ignores to care and assist his child being born into the world by his will, then who is going to look after him?

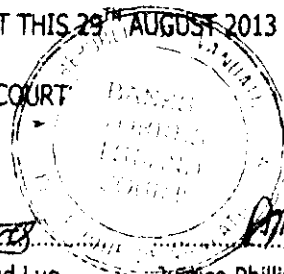
**Decision:**

With the above findings and statements before this Court it is hereby adjudged that:

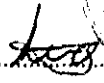
1. The defendant per month to pay 5,00 vatu and provide to provide basic items (food, clothing, soap and firewood) to the complainant to assist the child living with her and vice versa to the one living with him.
2. Pay 1,000 vatu as costs and expenses.
3. Defendant to keep on supporting the children as he currently is doing.
4. These orders are in effect until both children attain 18 years of age.
5. Any party not satisfied with these orders to appeal as of the date of these orders.

DATED AT GAUA AIRPORT THIS 29<sup>TH</sup> AUGUST 2013

BY THE COURT



  
Justice Badley George

  
Justice David Lug

  
Justice Phillip Morres Tabe