

(Civil Jurisdiction)

Between: Joanna Badley

Complainant

And: Sope Toto & John Ham

Defendants

Matter: **Compensation claim 40,000 vatu for foul language at the family plus costs
1,000 vatu**

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

Clerk: Fredington Aru

JUDGMENT

This Court sat at Selmolo airport, Gaua to determine the case filed by the claimant against the defendants. Oh her statement of claim, the claimant alleges that the defendants have swear at her and her family at one time when they were having an argument. She claimed the defendants have said that if they got sight of her around, they would make her piss. She went on to say the defendants have stated that why her uncle who is their father have children among many women (sakem melek blong hem olbaot).

Over what that had happened, the claimant filed before the Court this case seeking Court orders to order that the defendant must pay compensation to her and her family in the sum of 40,000 vatu plus costs.

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

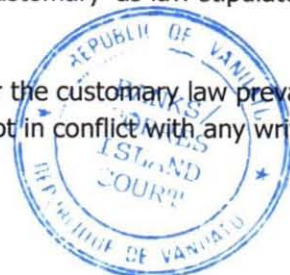
Defendant Sope Toto testified that they had an argument with the plaintiff's mother and that is when the bad words come out.

The complainant said she felt bad over the harsh words thrown at her by the defendants so she went to see the chief to sort the matter out but it looks like the chief do not seem to care to deal with her the problem.

The Court noted that the defendants admitted the statement filed against them by the complainant.

The Law the Court will apply in this present case is 'application of customary' as law stipulated in the Island Courts Act Cap (167) Section 10 which reads:

Subject to the provisions of this Act an island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order.



Last words:

Dispute causes division among the claimant and the defendants. The Court would like letting both parties know that peace has to be prevail among both of you. Anyone who intends or attempt to ignore and disobey any of the orders this Court will make would be liable to be fined or imprisoned for contempt of Court.

Decision:

With the above statements it is hereby ordered that:


1. The defendants Sope Toto and John Ham to give 1 pig and 3,000 vatu to the complainant and her family.
2. The complainant Joanna Badley, to give 1 pig plus 2,000 vatu to the defendants.
3. Pig means a pig of any size whether big or small.
4. Parties to ask a chief to witness the exchange of gifts and reconciliation ceremony.
5. Any party who is not satisfied with these orders is given 30 days to appeal as of today.

DATED AT GAUA AIRPORT THIS 29TH AUGUST 2013

BY THE COURT




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Justice Badley George


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Justice David Lug


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Justice Phillip Morres Tabé