

**IN THE MALEKULA ISLAND COURT**

**OF THE REPUBLIC OF VANUATU**

Civil Case 9 of 2014

**BETWEEN: HELLEN DENE**

Tautu vilij, Central Malekula

**Claimant**

**AND: RENE DENE**

Tautu vilij,

Central Malekula

**Defendant**

CORAM: JUSTICE DOUGLAS FADAL

JUSTICE SHEMA TASVALLIE

JUSTICE JOHNSEN FRAZER

CLERK: COLLYNE TETE

DATE OF HEARING: 03 OCTOBER 2014

COURT VENUE: LAKATORO

**JUDGMENT**

**CLAIMANT-** Appears before the court

**DEFENDANT –** Appears before the court

The clerk presents the civil case and summarises through the claimants' application made before the court by the claimant claiming against the defendant damage to her property (garden of Island cabbage) of an amount of VT 50,000. The defendant was charged in accordance to the Criminal case 66 of 2014 dated 19 day of June 2014 of trespassing and damage to property which proofs he was guilty of what he had done and has paid fine to



the court but the claimant seeks for the defendant to pay for the damages due to the hard work she has done to get the Island cabbage to grow in order to feed her family.

The defendant responded and admitted the claim made against him and stated that the land they both are working on is still in dispute and an order made by the Magistrate court (did not provide decision) gave him the right to work on the land until the issue is solved by another court. The reason why he caused the damage was because the claimant disrespects the taboo he place for the claimant not to work on the piece of Land in which she planted the Island cabbages but she continued to work.

Upon hearing the application the court hereby made the following:

#### FINDINGS

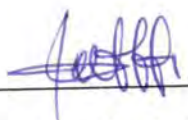
The claimant failed to provide a report from a village Chief or from an agriculture assistant of the damage caused to her garden to prove in court that the damage was a total of 50.

The defendant has the right to file a case against the claimant of the damage she caused to another garden.

#### COURT ORDER

1. The defendant not to damage any other property for the claimant.
2. The defendant to pay damage to the claimant a total of VT 6,200 which a stem of Island cabbage is cost VT 100 plus VT1000 for court fee.
3. The first payment to be made by end of October 2014 an amount of VT 3000 and at the end of November 2014 VT 3,200 to be made to complete the whole payment.
4. If both parties are not happy with the Island court decision has within 30 days the right to appeal to the Magistrate Court which in accordance to the Island Courts ACT CAP 167 section 22.


**DATED THE 03 OCTOBER 2014**



**Justice Douglas Fadal**



**Justice Shema Tasvallie**



**Justice Johnsen Frazer**

