

**IN THE MALEKULA ISLAND COURT**  
**OF THE REPUBLIC OF VANUATU**

Debt case 03 of 2014

**BETWEEN: SITON MULONTURALA**

Of VAO vilij, Northeast Malekula

**AND: JEANNOT TERONG**

Of VAO vilij, Northeast Malekula

**Coram: Justice Douglas Fadal**

**Justice Kalman Hapsai**

**Justice John Wesly Tawi**

**Clerk: Collyne Maki**

**Court Venue: Lakatoro, Court House**

**Date of Judgment: Wednesday 23 September 2015**

**Claimant: Absent**

**Defendant: Absent**



# JUDGMENT

An application was filed by the claimant on the 04th of July 2014 seeking for the defendant to pay VT 12.400 amount owed by defendant of consuming Kava juice and fail to pay for it for the last 2 and half years.

The case was first listed to be heard in court on the 01st of October 2014 in which both parties were present before the court. The claimant stated that the amount the defendant owed was an amount of VT 900 which he fail to pay for which made the claimant add up a few interest which totals up to VT 12.400. The defendant disagrees and mentioned that he paid an amount of VT 300 already and the rest of the amount the claimant made an agree with him that if he prunes his garden then he would forget the other half payment. The matter was then adjourned for trial process for the defendant to bring in the Chief he mentioned that he passes on the amount of VT 300 to confirm in court that he did pass on the money to the claimant cause the claimant mentioned that the chief never passes him the VT 300.

## FINDINGS

The court findings were:

- The case was listed before the court twice. The first date of hearing was on the 1<sup>st</sup> of October 2014, the second date of hearing was on the 04<sup>th</sup> of March in which the defendant was present and the claimant was absent. For the last hearing both parties after being summoned both were not present in court.
- In accordance to the Island Court Civil Procedure Rules: Section **17 (pt1)** stated "**NONATTENDANCE OF BOTH PARTIES**" – Where a cause or matter has been called for hearing and neither party appears, the court may strike out the proceedings.

## **UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:**

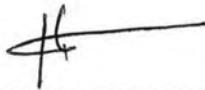
## ORDERS

1. The Debt case 03 of 2014 is hereby dismissed
2. If either parties do not agree with the Judgment within 30 days upon receiving Judgment have the right to appeal to the Magistrate Court has stated in the Island Court Act CAP 167 section 22 Subsection (1) stated " *Any person aggrieved by an order or decision of an Island Court may within 30 days from the date of such order or decision appeal there from to (b) the competent Magistrates court in all other matters*"



Dated at Lakatoro this 23 September, 2015

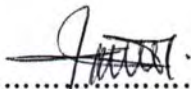
BY THE COURT



.....  
Justice Kalman Hapsai



.....  
Justice John Wesly Tawi



.....  
Justice Douglas Fadal

