

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU

Civil case 19 of 2015

BETWEEN: NELSON WILLIE

Of Tautu village Central Malekula, Employed as driver at Norsup College

AND: GRAHAM TOM

AND: KEN TOM

Of Tautu village Central Malekula

Coram: Justice Douglas Fadal
Justice Robert Niptick
Justice John Wesly Tawi

Clerk: Collyne Maki

Court Venue: Lakatoro, Court House

Date of Judgment: Tuesday 22 March 2016

Claimant: Present

Defendant: Present

JUDGMENT

An application was filed by the claimant seeking before the court against the defendants that they had ignored his custom rights given to him by Avu Tessi and agreed by his late father Willie Tahun. He claimed that according to his rights given to him the defendants have been ignoring and causing disturbance to him while working on a few areas or properties given to him by Avu Tessi. He further stated that both defendants to pay a fine of VT 10.000 each to him regardless of causing disturbance at the Petermes area.

In accordance to the defendants' statement they both do not agree with the claim. Stating that the claimant could not claim Petermes Land or Avu Tes's properties as he was not adopted by Avu Tesi and could not claim under Tesi's name because Tesi has his own children Atis and Hosea. He (claimant) has never proofed before a court that he was adopted by Tesi. He could not claim Tom Nambits custom right



because the Malekula Island Court has determined and declared the bloodline of Tom Nambit to the defendants on the 17th of May 2010. He further stated and confirmed in court that the Forestry cease Gordon Reganvanu to work or do logging on Petermes Land following complain letter made by the defendants, and further stated that the claimant could not work on Petermes Land because it is the custom property for the defendants and there wasn't any agreement between the claimant and the defendant for logging to be done on Petermes Land.

FINDINGS

- The issue before the court is the logging that had been done on Petermes land by the claimant and had been ceased by the defendants
- The Petermes Land in consent is still in dispute between the parties

UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:

ORDERS

1. As of 22 of March 2016 both parties the claimant Mr Nelson Willie and the defendants Mr Ken Tom and Mr Grem Tom are to stop doing logging on Petermes Land until the Land has been declared to either parties by another court
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 22 March , 2016

BY THE COURT

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Justice Robert Niptick

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Justice John Wesly Tawi

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Justice Douglas Fadal

