

IN THE TONGOA/SHEPHERDS ISLAND COURT OF
THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil Case no.16/2947 IC/Chf

BETWEEN: SUPANAVANUA MAUITIKETIKE
TAPANGAKOTO/KORO TIFATE
TAPAUUA
Original Claimant

AND: MATUIMAKATAMATA
1st Defendants

AND: MASAMORIMATA
2nd Defendant

AND: MA-TIVAITINIROTO/MA-TIVAITINITATA
3rd Defendant

AND: MATARITAPA
4th Defendant

AND: TIMAKURA
5th Defendant

AND: TISOMORIMATA
6th Defendant

AND: VARATIAMATA
7th Defendant

AND: TARIPOALIU JOHN MICHEAL
1st Counter Claimant

AND: MATIVASAKEMATA IAN SONGI
2nd Counter Claimant

AND: SATONGIAMATA RAYMOND CLAY
3rd Counter Claimant

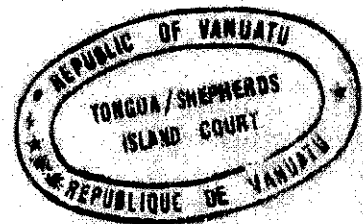
AND: SASAMAKIMATA MELTEN MANUAKE
4th Counter Claimant

AND: NAMBAKAUMATA JAMES MAKALI
5th Counter claimant

AND: SASAMAKI FUNNY SUPA
6th Counter Claimant

AND: WEREARU JEFFEREY
7th Counter Claimant

AND: WILLIAM MAULELEKIMUA MARAKAU
8th Counter Claimant



JUSTICES:

**Roy Harry
Berry Obed
Kalfau Pakoa**

CLERK: Joel Jacob

DATE OF HEARING: 19th September 2017

VENUE: Nofu Community Hall

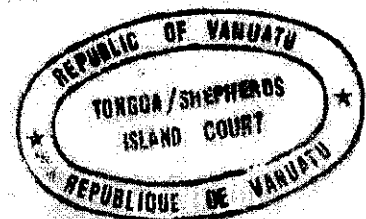
**MATTER: APPLICATION FOR EMAE PARAMOUNT CHIEFLY
CLAIM**

JUDGMENT

Brief Backgraon:

Keis hemi file bifo long kot long 22nd December 2011 mo hemi ko lo conference long 14th July 2015 long Sangava village Emae Island. Today kot hemi listim keis ia blong arem afta we original claimant (Supanavanua Mauitiketike Tapangakoto/Koro Tifate Tapaua) hemi klem se hem nao hemi paramount chief blong full Emae island.

Long smol brief we clerk hemi kivim out, hemi se kot ia hemi bing kivim wan direction mo advaesem original claimant since long 14th July 2015 blong hemi ko faelem ol family tree, witniss statement mo history how nao hemi onem title ia mo providem ikam long office within long 2 manis taem be hemi neva mekem. Ino hemia nomo, clerk hemi kolem hem tu long mobile phone 3 to 4 taems vinis mo remindem hem about ol kot directives ia be hemi neva mekem. Clerk hemi also kivim out 2 official letters long hem, 1st letter hemi long 26th February 2016 mo 2nd hemi long 28 June 2017 be still original claimant hemi still fail blong comply long ol tingting ia we istap insaet long letter ia. Lastly clerk hemi samonem ol parties blong kot hemi arem keis ia long 18th September 2017 just after we kot hemi ready blong travel then, original claimant hemi jes issuem wan application blong talemaot se bae kot imas posponem keis ia iko long 2018.



Wetem olketa tingting ia, today kot hemi mas proceed on nomo even though original claimant hemi no present but application blong hem imas pass through long kot ia blong pruvum.

Bifo kot hemi proceed on wetem application blong original claimant, kot hemi arem application blong William Maulelekimua Marakau mo kot ia hemi grantem blong hem ikam olsem namba 8th Counter Claimant blong keis ia folem agreement blong every parties.

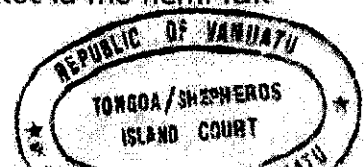
Issue:

1. Why nao bae kot imas referem keis ia iko long next year?
2. Wanem nao bae kot imekem sipos original claimant hemi kat ol kudfala risens blong mas referem keis ia iko long next year even though hemi no present long kot ia?
3. Wanem nao bae kot imekem sipos original claimant ino kat ol kudfala risens blong referem keis ia iko long next year even though hemi no present long kot ia?

Full storian:

Folem absence blong original claimant, clerk hemi briefim application blong original claimant (Supanavanua Mauitiketike Tapangakoto/Koro Tifate Tapaua) folem ol risens ia; firstly original claimant ikat wan main witness we hemi jes dead nomo mo ikat 2 brata we oli bisi long ol works blong olketa we hemi no save present without absence blong olketa. Lastly istap mensesem se boy blong hem hemi blind mo ino save leko hem. Wetem olketa tingting ia, original claimant istap concludum long application blong hem se bae kot ia imas arrangem blong chief justice imas jajem keis ia from bae ino rili kud sipos ol assessors nomo blong Tongoa oli jajem keis ia.

Long respond we Matuimakatamata (1st Defendant) imekem long bial blong 2nd (Masamorimata) mo 3rd (Ma-Tivaitiniroto/Ma-Tivaitinitata) Defendant, hemi ansarem application blong original claimant olsem ia mo hemi se keis ia hemi stap 5 years vinis. Wetem longfala period blong 5 years ia, original claimant hemi still no mekem wanem we kot ia hemi requirem hem blong mekem olsem ol necessary document we hemi sud mekem we I require long island court civil procedure rule be hemi neglectem everything. Ino hemia nomo be today, oli stap long kot ia without ol document ia we oli sud kat blong respond long hem. Lastly hemi stap mensesem se samon blong kot ia istap ko long every parties blong oli mas present. Today, every parties ipresent while hemi no stap isoemaot se hemi nokat respect nating long kot ia mo hemi luk



samon blong kot ia olsem wan invitation nomo blong hem whether iwantem kam or nokat? Every present parties oli incharge long cost mo time blong mas present long kot ia mo why nao ino save mekem olsem olketa?

1st defendant istap concludum se ol reasons blong original claimant ia oli no reasonable enough blong kot ia imas referem keis ia iko long next year mo istap putum ikam long kot ia blong mas applyem power blong hem folem civil procedure rule No.4. Therefore, istap askem kot ia blong strikem out case ia mo mas odarem original claimant blong pem back ol expenses blong every parties long 50,000vt each.

Tisomorimata (6th Defendant) wetem William Maulelekimua Marakau (8th Counter Claimant) tu oli sapotem full wan response blong 1st defendant mo tufala iwantem se bae kot ia imas strikem out keis ia folem island court civil procedure rule No.4.

Lastly, long biaf blong 8 narafala counter claimant (Mativasakemata Ian Songi, Satongiamata Raymond Clay, Sasamakimata Melten Manuake, Werearu Jefferey, Sasamaki Funny Supa, Nambakaumata & James Makali) wetem 3 Defendant (Ma-Tivaitiniroti/Ma-Tivaitinitata, Timakura & Varatiamata) we oli represented by Taripoaliu John Michael (1st Counter claimant), oli stap talemaot long kot ia se application blong original claimant hemi misleadim ol parties mo confusim kot ia. Istap soemaot se original claimant ino respectem kot ia nating mo sapos iwantem se Jif Jastis iarem keis ia, isud faelem wan application blong withdrawem keis ia long taem vinis. Oli talemaot without any doubt se ol risens blong original claimant blong posponem keis ia iko long next ia oli no reasonable mo oli no agree nating long proposal ia we hemi mekem. Oli koet mo ansarem application ia se original claimant ino kat eni pruf blong soemaot long kot ia se main witniss hemi dead through long wan dead certificate. Also iko long tufala brata blong hem (OC) se tufala tu isud kat ol riten leta blong prufum se oli bisi lo wok through long signature blong tufala. Lastly oli se toktok ia we ise boy blong hem hemi blind ino tru from hemia tu isud kat wan medical ripot blong talemaot se yes hemi blind. Hemi samaraesem every toktok blong olketa se majuriti long olketa oli wok long vila be yet oli still mekem iposible blong stap long kot ia mo original claimant istap wantem nomo blong distebem olketa long time mo money. Istap soemaot se hemi no kat respect long kot ia mo oli stap sapotem tingting blong 1st Defendant blong kot ia imas usum power blong hem mo applaem civil procedure rule no.4.

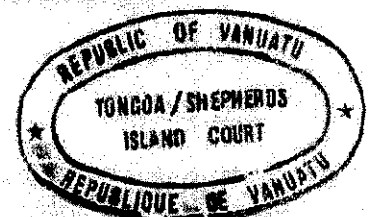
After long respond blong every parties, kot ia hemi faenemaot se;



1. Tru long longfala year ia since 2011 ikam kasem long 14th July 2015 long 1st conference, original claimant ineva folem direction we kot hemi kivim long hem. Also long olketa days we ipass finis ikam kasem today long kot, original claimant (Supanavanua Mauitiketike Tapangakoto/Koro Tifate Tapaua) ineva respectem kot ia through long leta mo ol mesej lo mobile fon.
2. Original claimant isud stap long kot ia today blong kliarem why ino save komplae wetem ol direction blong kot within long longfala 5 year term ia (2011-2017),
3. Original claimant ino serious nating long keis blong hem from hemi no komplae mo respectem ol rules, direction mo samons blong kot.
4. Every parties except original claimant oli present long kot ia today.
5. Every risens blong original claimant oli confusum kot ia from inokat ol reasonable proof.
6. Original claimant wetem tufala brata blong hem oli bisi from oli kat wok isemak nomo olsem ol narafala parties.
7. Majority long ol parties we oli travel ikam long Emae long kot hearing ia oli liv mo oli wok long port vila isemak olsem original claimant mo tufala brata blong hem.
8. Original claimant hemi requestem Jif Jastis blong arem keis ia be mbae ino save possible.
9. Original claimant istap distebem ol nara parties nomo long saet blong money mo taem blong olketa.
10. Every risens blong yu original claimant we yu providem ikam long kot ia oli ol unnecessary excuses.

Decision:

- **Wetem every toktok mo ol findings, kot istap applaem civil procedure rule No. 4 about nonattendance at hearing blong wan claimant**
- **Civil case no.16/2947 IC/Chfl (Emae Paramount Chiefly Claim) today 19th September 2017, kot istap strækemaot keis ia long Nofo community hall, Emae Island.**
- **Kot istap odarem yu original claimant (Supanavanua Mauitiketike Tapangakoto/Koro Tifate Tapaua) blong pem bak ol cost or expenses blong every party's 50,000vt each within long 2 months' time start today iko.**



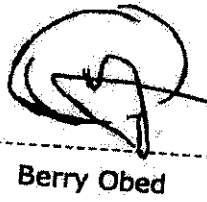
Yu we yu no klad long decision ia yu kat 30 days blong apil
iko long magistrate kot stat today iko

Dated long Nofo community Hall, Emae Island this 19th
September 2017.

BY THE COURT


Roy Harry


Kalfau Pakoa


Berry Obed

