

IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Case No. 17/3226 IC/DEBT

BETWEEN: Aaron Richard Collin
Claimant

AND: Reynold Reuben
Defendant

Date of Hearing: *Friday 1st day of December, 2017*
Date of Judgement: *Friday 1st day of December, 2017 at 11:50 am*
Venue: *Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila*
Before: *Justice Daniel Frank (Presiding Justice)*
Justice Allan Boblang (Member)
Justice Thomson Andrew (Member)

Island Court Clerk: *Alida Tchivi*

In Attendance: *Claimant – Aaron Richard Collin*
Defendant – Reynold Reuben (No appearance in Court)

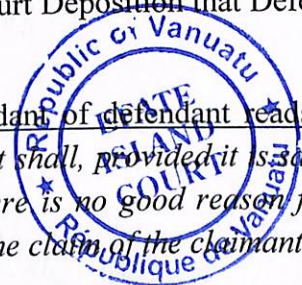
DEFAULT JUDGMENT

An application has been filed by **Aaron Richard Collin** who is the plaintiff before this court in pursuant to Rule 1(2) of the Island Court Procedure Rules of 2005.

This is a normal civil claim for breach of contract between the Claimant and the Defendant namely **Reynold Reuben**. The Claimant alleged that sometimes in 2015 the Defendant and himself, entered into an agreement. The agreement was for the Defendant to borrow money from the Claimant's Business Lending Scheme with loan terms of payment conditions applied. The principal amount borrowed is Thirty Thousand Vatu. Mr Aaron stated clearly on his statement that the defendant failed to comply with the agreement and the outstanding Vatu claimed by the Claimant is Thirty Thousand Vatu (30'000Vt), loan interest not included.

Both parties were summoned and served directly. This matter was supported in open court. Claimant appeared in Court at the time and date of hearing when called; however Defendant was not present and that no reason was given for his non-appearance. Court has noted on the Court Deposition that Defendant has also not filed his Defence.

Island Courts (Civil Procedure) Rules No. 028 of 2005 (2) – Non-Attendance of defendant reads: *If a defendant does not appear at the time for the hearing of the claim, the court shall, provided it is satisfied that the statement of claim has been served on the defendant and that there is no good reason for the defendant's non-attendance: (d) determine in the absence of the defendant the claim of the claimant.*



The Court is satisfied and therefore, the Court proceeds with the determination of the matter in the absence of the defendant.

Having read, heard and considered the application of claim made by the Claimant in this matter Aaron Richard Collin on behalf of his unpaid sum;

This Court is satisfied and hereby makes the following Orders:

1. The Court orders that the Defendant 'Reynold Reuben' to pay Vt 30'000 in full by end of December, 2017 directly to the Applicant;
2. Both parties need to respect and comply with these orders. Failure to the above, party may apply orally or in writing to the Supervising Magistrate for Enforcement of the order or judgment if it remains unsatisfied.
3. Parties have right to appeal from that judgment to the Magistrate's Court within 30 days from the date of this judgement

DATED at Port Vila this 1st day of December, 2017.

BY THE COURT



.....
Justice Allan Boblang
(Member)



.....
Justice Daniel Frank
(Presiding Justice)




.....
Justice Thomson Andrew
(Member)