

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

Case No. 17/3231 IC/DEBT

BETWEEN: Aaron Richard Collin
Claimant

AND: Rolline Aru
Defendant

Date of Hearing: *Friday 1st day of December, 2017*
Date of Judgement: *Friday 1st day of December, 2017 at 12:05 pm*
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 – Rolline Aru (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 **Rolline Aru**. The Claimant alleged that sometimes in 2015 the Defendant and himself, entered into an agreement. The agreement was for the Plaintiff to provide 100 copies of his Business Lending Scheme Registration books to the Defendant to send them all to her daughter on the island of Ambae for business purposes. The cost for 1 Licensing Registration Book is five hundred vatu. After two and half years now, the claimant has approached the defendant, claiming her to pay 50'000 vatu as cost of 100 books but nothing happened. The outstanding remains and claimant applied before this court to deal with his unpaid sum of *fifty thousand vatu*.

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-Attendant 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.

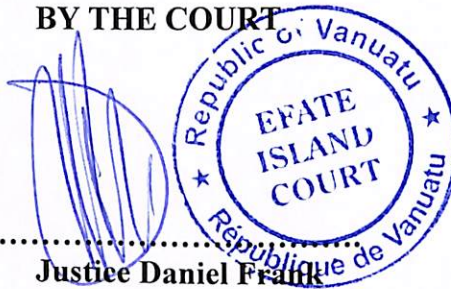
Having read, heard and considered the application of claim made by the Claimant in this matter Aaron Richard Collin on behalf of his unpaid sum;

This Court is satisfied and hereby makes the following Orders:

1. The Court orders that the Defendant 'Rolline Aru' to pay Vt 50'000 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



Handwritten signature of Justice Allan Boblang

Justice Allan Boblang
(Member)

Justice Daniel Frank
(Presiding Justice)

Handwritten signature of Justice Thomson Andrew

Justice Thomson Andrew
(Member)