

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

Case No. 17/3292 IC/DEBT

BETWEEN: Jerry Moli
Claimant

AND: Walter Riel
1st Defendant

AND: Albert Tassarur
2nd Defendant

Date of Hearing: **Friday 1st day of December, 2017**
Date of Judgement: **Friday 1st day of December, 2017 at 9:32 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 – Jerry Moli**
1st Defendant – Walter Riel
2nd Defendant – Albert Tassarur

JUDGMENT

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

Mr. Moli is a registered land surveyor. He owns Benchmark Vanuatu. On Wednesday 12th April 2017, he is working with his employees in field doing a subdivision for some monies and here comes a summons from the island court messenger that the claimant should declare himself urgently before the Efate Island Court or be arrested for the mere 20'000 vatu that the claimant had already paid with sympathy to his client Mr. Walter Riel, registered as 1st defendant in this case. This matter is related to Civil Case no. 16/554 IC/DEBT between Walter Riel (Claimant) -vs- Jerry Moli (Defendant). The claimant has been disturbed from his work and he is now putting a complaint for the 1st Defendant to pay his time wasted at 35'000 vatu for 4 hours for not working plus 1'000 vatu cost for bringing this matter to court. This is a normal civil claim for loss of income in his business.

Mr. Albert Tassarur is the claimant's witness. He claims to be the custom land owner for the portion of land that Mr Riel bought from him but later in 2013, Mr. Tassarur is having problem with his brother namely Charles Tassarur concerning the custom ownership of that land at Erakor area.



During the court hearing, Mr. Albert Tassarur went to question box and during the cross examination, the court found that the liability of this matter is lying on Mr. Albert Tassarur.

Therefore, this Court removes Mr. Albert Tassarur from the witness box and come as 3rd party in this matter.

Having read, heard and considered the application of claim made by the Claimant in this matter Jerry Moli on behalf of his loss of business income;

And having heard and considered the defendant's response statement concerning claimed amount which is the subject of this Court.

This Court is satisfied and hereby makes the following Orders:

1. The Court orders that the Defendant 'Albert Tassarur' to pay Vt 36'000 in full by 14th December, 2017 directly to the Applicant;
2. 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)