

IN THE TANNA ISLAND COURT
OF THE REPUBLIC OF VANUATU
Sitting at Isangel

Civil Case No.2431 of 2017

Before: Justice Benjamin Bob
Justice Josuah Kausiamar
Justice Samson Naies

Clerk: Blandine Tepi

BETWEEN: Family laupat
Original Claimant

JUDGMENT

IN THE MATTER OF: DISPUTE OF CUSTOMARY RIGHT OWNERSHIP OF NAME OF IAUPAT

Case ia ikat two parties we tufala iclaim custom right Onaship long Name we oli refer long hem olsem " IAUPAT".

Clerk blong Tanna Island Court hemi bin listem case number 2423 of 2017 blong court hemi bin sitdaon mo hearem long Friday 27th October 2017 long 9.00 o'clock long morning mo hemi completem.

LAWS MO ACCEPTED KASTOM RULE WE ISTAP LONG TANNA

1. Section 10 blong Island Court Act Cap 167 application of customary law.
"Subject to the provision of the Act and island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice morality and good order.

2. Customary Right hemi inheritem true long Patrilineal system, from father to son:
3. Kamep or Last surviving bloodline. (Women hemi save inheritem customary right from father where hemi only survivor)
4. Adoption: Adopted pikinini long custom hemi save inheritem customary right (Adoption hemi must follow bloodline)

Kot hemi kivemaot olgeta findings blong hem blong mekem declaration. Hemia nao hemi full Judgment blong case ia.

1. **BACKRAON BLONG Family laupat - CLAIMANT**

Claimant Family laupat hemi filem claim blong hem long Tanna Island Court se hemi kat full customary right ownership long name IAUPAT.

SHORT KASTOM HISTRY BLONG FAMILY IAUPAT

laupat Niko wife blong hem larem pikinini blong tufala ikat lawsik, Natuman Tuai, Mery lapuk, Numake Nemun, Willy True.

Every pikinini boes oli dead long time blong faet.

Taem larem idead laupat Niko hemi marreted second wife blong hem Nahulu mo tufala ikat one pikinini boe laukasu.

laukasu wife blong hem Tess tufala inokat pikinini.

Nao bloodline blong laupat Niko hemi life true long only girl blong hem lawsik.

lawsik Husband blong hem lau Ausim pikinini blong tufala loupat Meles mo Tangap Talele.

loupat Meles wife blong hem Mery latikiawat mo tufala ikat olgeta pikinini ia lopat Niko, Nako Niauwa, Nipio lokatilum, Natuman tuai mo Namal Nawainapitonga.

loupat Niko wife blong hem Wasikam mo tufala ikat olgeta pikinini ia Nalawas Reva lakan Mita, Natuman Tuai, Louis Nsak, Mery lapuk, Willy Tru, Jimmy lalis mo Therese Nawaneamik.

FINDING

After long hearing blong case ia:

Court hemi finem se histry we ikam long lawsik husband blong hem law Ausim mo tufala ikat olgeta pikinini ia: laupat Meles mo Tangap Talele. Ioupat Meles wife blong hem Merry latikiawat ol pikinini blong tufala ikat lopat Niko wife blong hem Wasikam mo tufala kat olgeta pikinini Nalawas Reva, lakan Mita, Natuman tuan, Luis Nasak, Merry lapuk, Willy Tru, Jimmy lalis mo Therese Nawaneamek.

Merry latikiawat hemi dead mo laupat Meles hemi marretem second wife blong hem Salok mo tufala ikat Kapalu Resen, Naula, Ruth mo Tuman.

Wan custom Histry or wan kastom basket.

Follem olgeta fundings ia mo law we hemi stap mo kastom rule we hemi stap long tanna we court I talem antap, taem court hemi applae laws mo custom rules ia: Mo Court hemi mekem declaration olsem:

DECLARATION:

Tanna Island Court hemi declarem Family laupat customary Right Ownership long Name laupat. Follem ol descendants blong laupat kam kasem today we Nakamal blong olgeta hemi Katinui Iken mo tribe Nakane. Mo Nakane Tribe hemi start long Lamelu long Solwata hemi follem creek iko antap kasem leg mountain Nagairus icross in land kasem creek I follem creek ikam daon kasem stone Lowakerek ifollem stret ikam daon stret long wan wood oli callem Nigat iko daon kasem shark ibreakem stone long solwata I follem kam kasem Lamelu long solwata.

Dated at Isangel 27th October 2017.



Justice Josuah Kausiamar



Justice Benjamin Kuao



Justice Samson Naes

