

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

DEBT
Case No. 18/651 IC/DEBT

BETWEEN: Aaron Richard Collin
Claimant

AND: May Willy
Defendant

Date of Hearing: Friday 20th day of April, 2018 at 12:35 pm
Date of Judgement: Friday 20th day of April, 2018 at 12:40 pm
Venue: Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila
Before: Justice Thompson Andrew (Presiding Justice)
Justice Evelyne Nawen (Member)
Justice Stephen Kaltoi (Member)

Island Court Clerk: Alida Tchivi

In Attendance: Claimant – Aaron Richard Collin
Defendant – May Willy (No appearance in court)

DEFAULT JUDGMENT

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

Plaintiff is seeking orders from the Island Court to order 'May Willy' of Malekula Island, the defendant to pay *Fifty Thousand Vatu* considered as a Debt.

Both parties were summoned. 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 but was fully aware of this court hearing. 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 Defendant 'May Willy' is ordered to pay 50'000 Vt by monthly instalment of 5'000 Vt every months commencing end of April, 2018 until the Debt Vt 50'000 is settle or paid in full;
2. All payment to be made directly to the Claimant 'Aaron Richard Collin';
3. Claimant is ordered to produce payment receipt to the defendant upon reception of each payment;
4. If judgement remains unsatisfied, Claimant may apply in writing to the Supervising Magistrate for Enforcement;
5. Parties have a 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 20th day of April, 2018.

BY THE COURT




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Justice Evelyne Nawen
(Member)


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Justice Thompson Andrew
(Presiding Justice)


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Justice Stephen Kaltoi
(Member)