

BETWEEN: Ps Tonny Rowsy
Claimant

AND: Marcelene Tavinwo
Defendant

Date of HEARING: 15th day of October, 2019 at 8:00 AM
Before: Justice Douglas Fadal, Justice Joses Lingi, Justice Presilla
Johnety
In Attendance: Defendant – Marcelene Tavinwo
Claimant – Ps Tonny Rowsy
Clerk: Collyne Tete Maki

JUDGMENT

Kes ia emi registered bifo long Malekula aelan kot follem *Island Courts ACT CAP 167 section 10. Application of customary law: Subject to the provisions of this Act an 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 mo tu;*

Guided by the Island Courts (Civil Procedure) No 28 of 2005 Rule 1 subsection 1 to 7 stated" Starting of a civil claim"

Issue we I stap bifo long kot emi:

1. I tru se defendan emi damagel ol property blong kleimen mo from wanem?



Kes emi filed by Ps Tonny Rowsy blong Atchin vilij Northeast Malekula agensem defendan Mr Marcelen Tavinwo blong Atchin vilij Northeast Malekula and emi filem long namba 5 April 2019 mo kleim se defendan emi damagem sam trees blong em mo emi klei mwan amount blong VT 6,300

Defendan we emi respresented by son blong em emi agri blong pem damage on behaf blong papa blong em insaed long kot rum.

KOT FINDING

Afta we kot I harem presentation we I kam long kot kot I mekem ol faendings olsem:

- Son blong defendan emi agri blong pem maot damage ia.

KOT ODA

Afta we kot I mekem findings kot I mekem oda se:

1. Civil case 745 of 2019 emi dismissed.
2. Tugeta parties I gat 30 dei blong apil I ko long Magistrate kot sapos tufala I no agri wetem oda blong kot.



Dated at Lakatoro this 15^h day of October 2019

BY THE COURT



Justice Douglas FADAL



Justice Joses LINGI



Justice Presilla JOHNETY

