

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Debt
Case No. 17/2694 IC/CIVL

BETWEEN: Eddy John
Claimant

AND: Elder Timothy
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 – Elder Timothy*
Claimant – Eddy John

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 tekem VT 17,500 long kleimen mo no refundem bak em follem agrimen blong tufala?
2. From wanem defendan emi fail long agrimen blong tufala?

Kes emi filed by Mr Eddy John blong Aulua village Southeast Malekula. Emi statem se defendan emi owem em VT 17,500 be fail blong gem bak long em mekem emi kam filem kes long kot.

Afta we clerk I presentem kes.

KOT FINDING

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

- Issue ia tugeta party I soretem maot aotsaed long kot.

KOT ODA

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

1. Debt case 2694 of 2017 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

