

**BETWEEN: Kalbeni Lapenmal**  
**Claimant**

**AND: Vitalis & Marie Lapenmal**  
**Defendant**

*Date of HEARING:* 16th day of October, 2019 at 8:00 AM

*Before:* Justice Douglas FADAL, Justice Joses LINGI, Justice Presilla JOHNETY

*In Attendance:* Claimant – Kalbeni Lapenmal Defendant – Vitalis & Marie Lapenmal

*Clerk of the Court:* Collyne Tete MAKI

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**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 tufala defendan I mekem damage long ol bamboo;
2. Bamboo emi blong kleima mo tufala defendan
3. Mo whu I plannem bamboo ia.

Kes emi filed long ofis blong Malekula Aelan kot long namba 08 October 2019 follem wan money we emi amount blong VT 20,000 we kleimen emi kleim agensem tufala



defendan follem damage to property. Kleima emi kleim se defendan emi cuttem mo damagem bamboo blong em we pupu blong em Masling I plannem mo papa blong em Pascal I usem koko kasem I ded and kleima emi continue blong usem kasem tudei. Emi talem tu se even ol man oli stap kam askem em blong cuttem bamboo and emi stap salem blong oli kam pem long em and oli allow blong cuttem.

Defendant emi respond mo talem se emi no trespass blong ko stilim bamboo from we bamboo emi blong em.

### **KOT FINDINGS**

*Afta we kot I harem toktok blong olgeta parties mo ol witness blong olgeta kot I mekem ol findings olsem:*

1. Olfala Masling emi gat tu (2) woman we Kalben emi kam maot long fes mama mo Vitalis I kam maot long second woman,
2. Kalben Lapenmal mo Vitalis Lapenmal tufala i stret brata we I kam maot long olfala Masling we tugeta family bladline blong Lapenmal
3. Sof bamboo ia em I grow long eria we I stap bitwin Vitalis mo Francise
4. Tugeta parties I no save pruvum long kot or tekem ol witness we oli aotsaed long family Lapenmal blong kam talem long kot se whu I plannem bamboo or bamboo ia emi gro wild nomo.

### **KOT ODA**

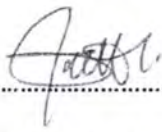
*Afta we kot I mekem ol findings ia kot I mekem oda olsem:*

1. Stat tudei 16.10.19 bae I no gat wan long olgeta Lapenmal I disputem sof bamboo ia
2. Family Lapenmal oli gat raet blong katem sof bamboo blong usem long eay we oli wandem usem,
3. Tugeta parties mo ol nara family Lapenmal oli no gat raet blong salem sofa bamboo we emi dispute I kam long kot
4. Tugeta parties I gat 30 dei blong apil sapos oli no happy wetem oda namba 1.



**Dated at Lakatoro this 16 day of October 2019**

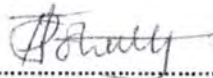
**BY THE COURT**



Justice Douglas Fadal



Justice Joses Lingi



Justice Prescilla Johnety

