

IN THE MATTER OF: CUSTOM OWNERSHIP BLONG
CHIEFLY TITLE NAME MANLAESINU
BLONG EMUA CUSTOMARY
GOVERNANCE

AND

IN THE MATTER OF: SECTION 10 BLONG AELAN KOT ACT
CAP. [167] MO ARTICLE 95 (3) LONG
KONSTITUSEN BLONG VANUATU
BLONG YEAR 1980.

BETWEEN: VAMELE FAMILY
Claimant

AND: RAYMOND MARONGOE
Represented by Tonny Marangoe
First Defendants

AND: KALTAP GEORGE
Second Defendant

AND: ALBERT DOUGLAS
Third Defendant

AND: KERK KALMAIRE
Fourth Defendant

Date blong Hearing: 27th September 2019 – Time : 11:00 am
Date blong Decisions: 27th September 2019 – Time : 11:10 am
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila

Before: Justice Felix Thomas (Presiding Justice)
Justice Timothy KALANGIS (Member)
Justice Lutu SAKITA (Member)

Island Court Clerk: Alida ALAIN

Long Absence blong: Every Parties

Copy: File



COURT DECISIONS

I kat wan Island Court Claim we Vamele Family hemi faelem long 6th December long 2007 long office blong Efate Island Court. Vamele Family hemi apply i kam long court ia mo askem court ia blong declarerem hem olsem tru bloodline blong Chiefly Title ia Manlaesinu blong Emua Customary Governmance hemia long North West blong Efate Island long Shefa Province.

Efate Island Court long 20th August 2019 hemi sendem wan notice blong notifyem olgeta defendant se case ia hemi pending ova long 12 years since 2007 kam kasem long yia ia 2019 mo oli mas faelem defense statements mo witness statements blong olgeta within two weeks before court hemi save listim case ia i go long court. However administration blong court ia hemi no receivim any submissions i kam long olgeta parties afta we everywan i risivim notice blong 20th August 2019, so matter ia hemi listed blong kot i harem long day ia 27th September 2019.

Island Court 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.*

Furthermore long hemia, before kot hemi sitaon blong harem case ia Claimant Toara Kalorib we i representem Vamele family, hemi mekem wan narafala "*Application for Discontinuance of Proceedings*" bageken i kam long ofis blong Efate Island Court long day ia Thursday 26th September 2019 long 3.35pm folem olgeta reasons ia:

1. Over long last 12 years since we case ia hemi filed mo i gat some long olgeta witnesses blong preparem ol original preparations oli pas away mo naoia mifala i nid blong identifyem mo replacem olgeta blong save preparem olgeta long case ia.
2. I gat fulap samting i happen over long 12 years taem ia long village blong mifala mo i gat bigfala possibility blong save solvem dispute ia outside long court.
3. Copy blong application blong discontinuance of claim ia i kasem olgeta defendants mo hemi folem, **Island Court Civil Procedure Rules of 2005 -**

Island Court Civil Procedure Rules of 2005 - Rule 3 – Discontinuance of Claim, Defence, Counter-claim and Set-off (1) Discontinuance of claim: *The claimant may at any time, before or on the day of the hearing of the claim, apply to the court to discontinue the claim with the permission of the court.*

Court hemi harem "*Application for Discontinuance of Proceedings*" we claimant Vamele Family i mekem mo considerem folem Island Court Civil Procedure Rules.



Therefore court hemi stap mekem OLGETA COURT Decisions blong hem i go olsem:


COURT DECISIONS:

1. Court hemi grantem Application blong Claimant Vamele family blong discontinuem Chiefly Title Case Number 19/2594 IC/CHFT.
2. Nogat any costs long matter ia.

DATED at Port Vila this 27th day of September, 2019.


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Justice Timothy Kalangis
(Member)

BY THE COURT


.....
Justice Felix Thomas
(Presiding Justice)


.....
Justice Lutu Sakita
(Member)