

BETWEEN: CHIEF MALTETOUR JEAN VINCENT

Claimant

AND: CHIEF JEAN PAUL SOVRINMAL

Defendants

Date of Hearing: 28 May 2020
Date of Judgment: 28 May 2020
Before Justices: Douglas FADAL (Chairperson), Joses LINGI, Lorna BONGVIVI
Clerk: Collyne Tete Maki
In Attendance: Claimant – Present
Defendant – Absent

DEFAULT 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 BIFO LONG KOT:

1. *Why nao defendan emi hollem taet properties blong counsel of jif blong Walla we term blong em I finis olsem jeaman blong counsel?*

BACKGROUND BLONG CASE

Chief Malteour Jean Vincent blong Walla vilij Northeast blong Malekula emi filem kes on behaf blong em mo ol memba blong counsel long namba 24 April 2019 mo kleim I stap ko agensem Chief Jean Paul Sovrinmal blong Walla vilij Northeast Malekula blong emi mas refundem ol assets blong counsel olsem NBV account book, Grass cutter, mo sam nara tools.

CLAIM BLONG CLAIMANT

Claimant mo ol memba blong Walla counsel oli bin elected long namba 1 December 2018 we official program blong election emi witnessed by Malmentenvanu President mo secretary, wan polis representative mo wan representative blong Malvatumauri.

Afta we counsel I set ap defendan we emi foma jeaman blong counsel emi fail blong passem ol properties blong counsel I ko long niufala counsel. Ol properties we defendan emi hollem taet emi NBV pass buk account 0062096001 blong Walla counsel, Grass cutter blong counsel, stamp blong walla counsel mo sam nara tools blong counsel

Wetem stamp blong counsel we defendan I hollem I stap wetem em emi still stap usem blong issuem maot sam notis olsem we emi still jeaman blong counsel. Defendan wetem 2 nara memba blong foma counsel we emi Alexis Jean mo Pierre Channel Terong we oli sign long NBV account blong counsel oli neva wandem withdrawem maot signature blong olgeta long account.

Mo tu defendan emi hollem taet sam mani blong kot fee we sam man long vilij I filem kes be oli neva harem kes ia so emi mas refundem mani ia tu. Mo las wan foma counsel oli neva mekem wan ripot long ol wok blong olgeta stat logn yia 2012 kasem yia 2018.

Claiman emi kleim se defendan emi mas gem ol property blong Wala counsel I ko long em wetem niufala counsel blong em we oli jes electem olgeta.

RESPONSE BLONG DEFENDAN

Defendan emi no kam long kot afta we oli summon em 2 taem be emi filem response blong em long kot mo talem se claimant we emi Mr Maltelour Jean Vincent em tu I pat blong komiti we oli gat access long account we I stap long NBV. Em statem se NBV account ia emi blong fulap long ol project olsem Walla Tourism Komiti, Walla tourism commission, Walla trust mo sam nara project bakgegen.

Emi further statem se follem resolusen blong counsel of Jif blong yia 2011 em mo counsel blong em I bin fom long 26 blong manis July 2018 and nem blong counsel ia emi *Wala Nibaour namel Ranmal kastome governance*.

Afta we kot I harem toktok blong claimant mo lukluk tru long ol response blong defendan kot I mekem ol findings olsem:-



COURT FINDINGS

1. Kot I bin mekem leta I ko long em long namba 24 Aprel long yia 2019 blong emi kam filem response blong em we emi kam filem long namba 19 October 2019
2. Kot I bin sendem maot 2 samons indirectly I ko long em blong kam long kot be emi neva kam long kot
3. Niufala counsel we claimant emi lidim I bin mekem sam approach long em blong emi putum bak ol property blong counsel be emi neva mekem kam kasem we oli kam filem kes long Aelan kot
4. Long taem blong election blong niufala comiti polis I bin assist blong ko lukaotem em blong emi kam witnessem be emi no wandem ko
5. Ol property blong counsel emi blong wan body we bae I runnem ol tingting blong community be I no blong wan Nakamal nomo or nasara

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

COURT ODA

1. Defendan Mr Jean Paul Sovrinmal bae emi nomo jeaman blong Walla Counsel
2. Ol assets blong Walla counsel olsem NBV bank buk, stamp blong counsel, grass cutter blong counsel mo ol nara tul or property we emi blong counsel bae Mr Jean Paul Sovrinmal emi mas givim I ko long nifala counsel we Mr Maltetour Jean Vincent nao niufala jeaman blong counsel ia
3. Trifala signature we I stap long NBV account 0062096001 we emi blong Counsel bae oli mas mekem wan leta blong withdrawem signature blong olgeta
4. Mr Jean Paul Sovrinmal wetem foma counsel blong em oli mas mekem wan ripot we bae I stat long 2012 kasem 2018 I ko long niufala counsel
5. Mr Jean Paul Sovrinmal I mas hand ova ol kot files we emi fail blong harem ol kes ia mo ol kot fee I ko long niufala counsel
6. Mr Jean Paul Sovrinmal mo ol counsel blong em oli mas stop blong mekem grouping blong tokbaot ol affairs blong community
7. Mr Jean Paul Sovrinmal bae emi pem VT 7,000 we emi cost I ko long niufala counsel
8. Sapos any long ol parties I no agri long ol oda ia oli gat 30 dei blong apeil I ko long Magistrate kot



DATED 28 MAY 2020 AT LAKATORO, MALEKULA

BY THE COURT

JUSTICE LORNA BONGVIVI



JUSTICE JOSES LINGI



JUSTICE DOUGLAS FADAL (chairperson)



