

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Other Jurisdiction)

Debt case 999 of 2020

BETWEEN: ESTHER BONGAO

Claimant

AND: RANSOM RAMBE

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 – Present

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 stap kiaman long claiman blong sendem mani I ko long we, we emi stap wetem wan difren woman finis?*

BACKGROUND BLONG CASE

Ms Esther Bongao blong aelan blong Pentecost emi kleim agensem defendan se tufala I stap fren kasem we defendan emi aot kam long aelan mo stap wetem difren woman so emi stap kleim blong defendan emi gem bak ol mani we emi stap spendem long em we emi VT 50,000.

CLAIM BLONG CLAIMAN

Claiman emi filem kes blong em long namba 20 May 2020 mo claim se defendan wetem em tufala I gat wan relationships blong 4 yia we I ko hed gud kasem samples long manis October 2019 defendan emi bin talem long claiman se bae emi kam bak long aelan blong buildem wan haus blong sista blong em.

Taem we emi kam kasem aelan tufala I still stap contact mo emi stap sendem smol smol mani I kam long defendan be emi neva save se defendan emi kam mo liv wetem woman Ambrym long Malekula. Sista blong defendan emi bin kollem em blong talem long em se bae emi kam long aelan. Taem we emi kasem Malekula nao I jes faenem maot se defendan emi liv tugeta wetem woman Ambrym.

So emi claim se bae defendan emi givim bak ol mani we emi stap sendem I ko long defendan.

RESPONSE BLONG DEFENDAN

Defendan emi filem wan response long namba 20 May 2020 mo statem se emi no bin save long claiman, be claiman emi bin tekem namba blong em long wan fren blong em mo stap kollem em be emi no gat interes long claiman from we emi olfala bitim em. Mo emi talem long kot se yes claiman emi stap sendem mani I kam long we we emi stap usem blong drink kava long em.

COURT FINDINGS

1. Defendan emi agri se claiman emi stap sendem mani I kam long em

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

COURT ODA

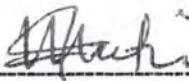
1. Defendan bae emi pem bak cost blong VT 41,000 I ko long claiman
2. Fes paymen bae defendan emi pem wan amoun blong VT 11,000 bifo 30/06/20
3. Secon paymen bae defendan emi pem wan amoun blong VT 10,000 bifo 30/07/20
4. Namba tri paymen bae defendan emi pem wan amoun blong VT 10,000 bifo 30/08/20
5. Namba fo paymen bae defendan emi pem wan amoun blong VT 10,000 bifo 30/09/20
6. Bae oda 1 kasem oda 5 bae defendan emi mekem I ko long clerk blong Aelan kot
7. Claiman sapos emi gat wan NBV akon bae emi gem long Aelan kot clerk
8. Sapos any long ol parties I no agri long ol oda ia oli gat 30 dei blong apeil I ko long Magistrate kot



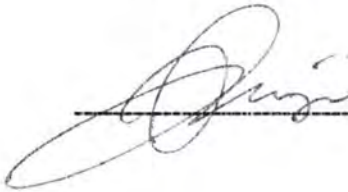
DATED 28 MAY 2020 AT LAKATORO, MALEKULA

BY THE COURT

JUSTICE LORNA BONGVIVI



JUSTICE JOSES LINGI



JUSTICE DOUGLAS FADAL (chairperson)



