

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

Civil case 1776 of 2020

BETWEEN: JAMES KALOKIS

Claimant

AND: POMANI NUMBE

JEAN PIERRE

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 – Absent

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 claiman emi kleim agensem tufala defendan blong pem VT 26,000 I ko long em from ol part blong trak?*

BACKGROUND BLONG CASE

Mr James Kalokis blong Binalum vilij, Northeast Malekula emi kleim agensem tufala defendan blong pem wan amoun blong VT 26,000 we I ko towards sam part blong truck blong em we tufala I tekem.

CLAIM BLONG CLAIMAN

Claiman emi filem kes long namba 10 blong manis July 2019 mo statem se samtaem long manis May 2019 Pomani Numbe emi bin kollem em se emi wandem wan part blong trak we bae claiman emi tekem maot long olfala trak blong em.

Claiman I talem long em se part ia I stap wetem Jean Pierre, Mr Pomani emi ko tekem part ia long Jean Pierre and emi neva pem kasem we ripot I kam filed long aelan kot.

RESPONSE BLONG DEFENDAN

Ol defendan oli no appear bifo long kot afta we kot I summonem olgeta.

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. Claiman I mekem wan leta I kam long kot blong talem se bae emi canselem kes from we em mo ol defendan oli sortem maot issue ia long home vilij blong olgeta.

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

COURT ODA

1. Civil case 1776 blong 2019 kot I dismissem.
2. 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)


