

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

Civil case 3319 of 2016

**BETWEEN:** EVENSON ULNAIM

**Claimant**

**AND:** BRANSON ULNAIM

**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

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**DEFAULT JUDGMENT**

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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 ko stap rabisem nem blong claiman se emi no stret pikinnini blong Josiah Ulnaim?*

## **BACKGROUND BLONG CASE**

Mr Evenson Ulnaim blong Atchin vilij emi filem kes agensem defendan Mr Branson Ulnaim se emi no pikinnini blong man ia Josiah Ulnaim.

## **CLAIM BLONG CLAIMANT**

Claiman emi filem kes blong em long namba 29 March 2016 mo claim se defendan emi no pikinnini blong man ia Josiah Ulnaim. Samples long yia 2007 long namba 5 Maj waef blong defendan emi kollem wife blong claiman mo talem se” *yu faenem papa blong man blong yu finis?*” Afta we emi talem long waef blong claiman, emi ko talem maot toktok ia long hasben blong em.

Afta samtaem long yia 2015 defendan emi ko luk smol brata blong claiman we emi Samson mo askem long em se papa blong tufala I no talem wan toktok long tufala nao Samson emi se no gat any samting

Ol toktok I some se defendan emi stap spollem nem blong claiman se emi no stret son blong Josiah Ulnaim mekem claiman emi kam filem kes agensem defendan.

## **RESPONSE BLONG DEFENDAN**

Defendan emi no appear long kot mo no filem wan response

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

## **COURT FINDINGS**

- Civil case 3349 of 2016 emi bin listeed tri taem bifo long kot we fes wan emi long 15 October 2018, second wan emi long 19 May 2020 and las wan emi long 28 May 2020
- Long trifala deit blong hearing tugeta parties I neva appear bifo long kot

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

## **COURT ODA**

1. Civil case 3349 of 2016 emi dismissed
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



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JUSTICE JOSES LINGI



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JUSTICE DOUGLAS FADAL (chairperson)



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