

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

Debt case 2928 of 2019

BETWEEN: JANIQUE MELETEKANIE

Claimant

AND: TSUNG TOURSREW

LELECTEI BERTO A

MALESAS NONO

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 except Tsung
Toursrew in Portvila

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 claim agensem ol defendan blong pem em wan amoun blong VT 38,880 we I ko long glass blong truck blong em we oli damagem?*

BACKGROUND BLONG CASE

Mr Janique Meletekanie blong Walla vilij Northeast Malekula emi claim agensem ol defendan blong oli pem bak glass blong truck blong em we oli damagem.

CLAIM BLONG CLAIMANT

Claiman emi filem claim blong em long namba 28 October 2019 mo claim agensem ol trifala defendan ia blong oli pem bak glass blong trak blong em we oli damagem. Emi statem se kes ia emi bin pass finis long vilij kot we oli mekem fine be damage nao oli no bin mekem emia nao risen why emi kam filem claim blong em long aelan kot. Emi claim wan amount blong VT 38,880.

RESPONSE BLONG DEFENDAN

Ol defendan we Mr Maesas Nono nao emi spokesman on behalf blong evriwan emi talem long kot se yes oli brekem glass blong truck.

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. Spokesman long saed blong ol defendans emi agri mo talem long kot se olgeta nao oli brekem glass blong truck blong defendan
2. I bin gat wan vilij kot decision finis long kes ia be emi long saed blong trespass mo damagem property blong claiman

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

COURT ODA

1. Mr TSUNG TOURSREW, LELECTEI BERTOIA mo Mr MALESAS NONO bae oli pem bak damage blong glass blong trak I ko long clerk blong aelan kot
2. Bae total mani blong damage glass emi VT 33,500 we bae trifala defendan oli sherem cost ia
3. Blong oda namba 2 bae paymen emi made long tri (3) manis Fes paymen wan wan defendan bae emi pem wan amoun blong VT 3,725 long 30/06/20 we bae trifala payment ia emi total ap long VT 11,170
4. Secon manis paymen bae emi long 30/07/20 we bae wan wan defendan bae emi pem wan amoun blong VT 3,725 long 30/06/20 we bae trifala payment ia emi total ap long VT 11,170



5. Namba tri manis paymen bae emi long 30/08/20 we bae wan wan defendan bae emi pem wan amoun blong VT 3,725 long 30/06/20 we bae trifala payment ia emi total ap long VT 11,170 mo bae emi mekem wan complete paymen blong VT 33,500
6. 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)



