

BETWEEN: BENBI MOGEROR

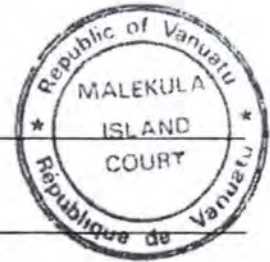
Claimant

AND: EXLEY CHIRE

Defendants

Date of HEARING: 16th & day of July and 17th day of July, 2020
Before Justices: Douglas Fadal, Robert Niptick, Luan Gaum
Clerk: Collyne Tete Maki
In Attendance: Claimant – Benbi Mogeror
Defendant – Exley Chire

JUDGMENT



Kes ie emi bin register bifo long kot follem *Guided by the Island Courts (Civil Procedure) No 28 of 2005 Rule 1 subsection 1 to 7 stated" Starting of a civil claim".*

BACKGRAON BLONG KES

Kes emi filed long namba 4 blong manis June 2019 we Mr Benbi Mogeror blong Tenmelive village long Northwest Malekula emi filem kes agensem Mr Exley Chire blong Wamul vilij Northwest Malekul mo kleim paramon jifly taetol blong Tenmelive insaed long Sewewty community.

CLAIM BLONG KLEIMEN

Emi kleim se em nao emi stret paramon Jif blong Tenmalive. Emi statem long kleim blong em se em emi namba 12 generation blong Mogeror. Follem histri blong em Tabun I gat Belbel mo Belbel emi gat Jeflili mo em nao emi papa blong kleimen. Emi

statem se follem kastom blong olgeta Jeflili emi mas gat wan son blong em I save pusem han I ko antap long taem blong kastom gathering or ceremony, blong ol pipol I luk mo taem ia bae Mogeror I toktok. Be from we Jeflili I no gat wan boe yet mekem Mataru emi givim son blong em Michelle I ko long em. Taem we Benbi mo ol brata blong em oli bon papa blong olgeta emi givim maot tufala brata blong em I ko long nara family be em nomo emi stap blong tekem ples blong Jeflili Mogeror. Emi statem tu se follem kastom blong olgeta Mataru emi wokman blong Jif or body guard blong em.

Long cross examination insaed long kot Jif Benbi emi confemem long kot se se fes man we emi putum hem emi Tabun olsem we I stap long family tri blong em. Tabun emi gat 3 pikinnini boe we fes wan emi Belbel Mogeror, secon bon emi Tetesor mo las bon emi Selamu. Jif Benbi I talem long kot se kastom nem we fes man Tabun I offerem long ol pikinni blong em blong oli usem, taem wan long olgeta I kam olsem paramon jif or assiten jif (big jif or smol jif) then bae I karem kastom nem ia Mogeror.

Emi no save confemem long kotse emi paramon jif be emi no save nem blong kastom nakamal blong Tenmeliv long boundary blong Sewety. Emi talem tu long kot se yu save kam wan big jif or paramon jif or smol jif tru long blad laen be I no tru long election or electem wan man.

Emi talem tu long kot se long wan nasara I mas gat tu (2) kastom jif oltaem long wan nasara wetem wan kastom nakamal. Wan bae emi paramon or big jif mo nara wan bae emi assiten or smol jif. Emi confeme tu long kot se insaed long Sewety I gat nasara wetem kastom nakamal blong olgeta.

Emi talem tu long kot se emi follem fes blong son blong Tabun we emi pupu blong em Belbel mo Redison emi follem secon bon son we hemi pupu blong em Tetesor. Mo lastly emi talem long kot se emi big jif blong Tenmelive mo Redison emi smol jif blong Tenmelive.

Fes witness blong Jif Benbi we I gat Martin Lales emi talem long kot se emi nao emi putum paramon jif blong Tenmelive, mo tu emi talem se Redison emi smol jif blong Tenmelive. Secon witness Kamil Shire emi confemem long kot se Redison emi smol papa blong em mo papa blong em Kamilo nao emi bigwan. Emi talem tu se I mas gat tu (2) Jif long Tenmelive blong ol organisem ol kastom bisnis mo ol nara kastom activities blong Tenmelive nasara. Las witness we emi Johnny Solomon we emi agri se Redison emi jif be bae emi smol jif or assiten jif blong Benbi.

RESPONSE BLONG DEFENDAN

Defendan I statem long response blong em se Tenmelive I Gat 10 nakamal evriwan, we Melelevous nao emi stap mo I gavenem ten fala nakamal ia wetem olgeta smol faea blong olgeta. Emi statem se insaed long Melmelevous I gat left side mo raet side, left saed emi blong jif Mataru mo raet saed emi blong jif Mogeror we evri taem



long I gat tu jif insaed long nakamal ia. Emi statem tu se jif Mataru emi no wan wok boe emi jif we emi stap putum dei blong namangy.

Long cross examination long kot Redison we emi papa blong Exly emi talem mo confemem long kot se family Chire wetem family Benbi Jeflili tufala I wan man nomo follem fes man Tabun.

Redison hemi smol brata blong jif Benbi Jeflili olsem big brata blong em we tufala I pikinnini blong man ia Tabun Belbel wetem Tetesor. Redison tu emi confemem long kot se long kastom blong Tenmelivelong Sewety I mas gat 2 kastom jif wan bae emi big jif mo wan emi smol jif. Emi further talem tu se tufala kastom jif ia I mas wok tugeta oltaem blong lukaotem ol pipol blong tufala long ol kastom activities wetem ol nara issues or bisnis.

Redison emi talem long kot se em tu emi blong Tenmelive nasara mo nem blong nakamal emi Melmelevus. Emi confemem tu se hig rank nem blong Tenmelive emi Mogeror we olgeta tu I gat raet blong usem nem from we I kam maot long fes man ia Tabun we emi fes pupu blong olgeta .

Em lastly confem long kot se papa blong em emi Chire I ded long 2004 mo emi gat 3 pikinnini we emi Micheal, Kamilo mo em Redison mo wan gel we emi Lucy.

Emi further confemem long kot se emi no disputem paramon jif agensem Jif Benbi be oltaem bae I mas get 2 jif we emi big jif mo smol jif. Emi further talem tu se big jif emi no save mekem decision em wan emi mas sit daon wetem smol jif blong tufala tokbaot ol affairs blong ol pipol blong tufala moo I planning bae tufala I mas wok tugeta.

Mo lastly emi confemem long kot se emi agri blong Jif Benbi emi big jif mio bae emi assiten jif blong em blong Tanmelive nsara.

Afta we kot I ridim kleim mo harem toktok blong tufala parties kot I faenem maot se:

COURT FINDINGS

- *Jif Benbi Jeflili wetem Redison Chire tufala I kam maot long fes man ia Tabun oli wan bklad laen nomo*
- *Tugeta parties claimant mo defendan tugeta I gat raet follem kastom blong tufala blong usem nem ia Mogeror we emi blong family blong tufala*
- *Jif Benbi emi stap runnem ol affairs or tekem sam decesion blong olgeta em wan nomo*
- *Tugeta parties tufala I agri long kot se bae Jif Benbi emi big jif mo Jif Redison bae emi smol Jif blong Tenmelive nasara long nakamal blong Melmelevus*

Afta kot emi faenem maot ol tingting ia kot I Mekem oda olsem:



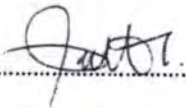
COURT ORDERS

1. Jif Benbi Mogeror emi big jif blong Tenmelive nasara insaed long Sewety mo nakamal emi Melmelevus
2. Exley Mogeror emi smol jif long Tenmelive nasara
3. Tugeta Jif big jif mo smol jif I mas kam tugeta oltaem blong tokbaot ol kastom affairs blong Tenmelive
4. Bae I no mas gat wan man decision long Tenmelive nasara, MO
5. Family Belbel, Family Tetesor, Family Salamu oli gat raet blong usem kastom nem blong Tenmelive we emi Mogeror.
6. Sapos any parties oli no comply wetem ol oda ia, eni party oli gat raet blong kam filem kes blong Enfosmen long clerk blong ko bifo long wan Supervising Magistrate;
7. Follem Aelan Kot ACT CAP 167 section 22 I talem " ***Eni long tufala party defendan or kleimen sapos I no happy long decision ia I gat 30 dei blong I apil I ko long Magistret kot***"



Dated at Lakatoro this 20 day of July 2020

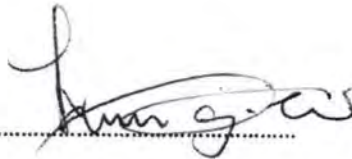
BY THE COURT



Justice Douglas Fadal



Justice Robert Niptick



Justice Luan Gaum

