

BETWEEN: JEAN PIERRE LESINES

Claimant

AND: YOANO YORLEY

Defendants

*Date of HEARING:* 20<sup>th</sup> day of July, 2020 at 8:00 AM  
*Before Justices:* Douglas Fadal, Luan Gaum, Alina Malapa  
*Clerk:* Collyne Maki  
*In Attendance:* Claimant – In person  
Defendant – In person

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**JUDGMENT**

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Kes ie emi bin register bifo long kot follem *Island Courts (Civil Procedure rules) No 28 blong 2005 Rule 1 subsection 1 to 7 we I talem " Starting of a civil claim"*we I gem raet blong eni man o woman I kam filem wan claim blong em long Aelan kot

Kes ia emi filed by Mr Jean Pierre Lesines blong Rano vilij Northeast blong Malekula agensem defendan Yoano Yorley we emi blong Rano vilij blong Northeast blong Malekula. Emi filem kes mo kleim se defedan emi bin trespass mo damagem 9 stampa coconas blong em mo 1 stampa blong Mango tri we emi ol property blong em from I stap long wan eria we emi Jinderedere mo ol property ia papa mo mama blong em nao oli plannem. Emi kleim mo askem long kot blong defendan emi restrain blong spollem ol properties blong em mo pem bak ol coconas we oli damagem.



Emi further talem long kot se papa blong emi plannem ol coconas ia long ples we em mo ol sista blong em oli laef long em we emi long smol aelan blong Rano. Emi talem tu se emi ko stap mekem copra long plantation ia kasem we canoe blong em I broke nao emi nomo ko, be emi leko Collin Taur I stap selaot copra long plantation ia.

Witness blong em Collin Taur emi kam mo talem long kot se taem emi stap wandem plan long eria ia emi ko stap talem maot long claimer. Mo emi talem tu se man we emi plannem ol coconas ia emi Andre Lesines.

Secon witness blong em tu I kam mo confemem se Collin Taur nao emi stap wok long coconas plantation blong claimer. Namba 3 witness tu emi talem long kot se Andre Lesines nao emi plannem coconas. Emi talem tu se taem oli smol oli liv long eria nao mo bin mov I kam long mainlan from we I klosap blong oli stap travel I ko long school.

Nara witness we emi Jean Marie Lapenmal emi talem long kot se emi nao emi bin ko mekem assesmen long damage mot u emi luk we defendan emi cuttem ol coconas mo mango tri. Emi talem tu se afta we emi mekem assesmen emi ko talem maot long defendan.

Defendan emi represented by big papa blong defendan we emi Jean Marc Yorley emi talem long kot se coconas olfala blong em I plannem em mo Silas. Emi talem se emi no luk olgeta oli plannem mo I no bin ansa taem we kot I askem long em se taem witness blong claimer we emi Collin Taur taem emi stap selaot why oli no ko stopem em blong emi no selaot. Emi no save ansarem tu se taem coconas I bin damage emi no bin kam ripot long kot be claimer nao emi kam ripot afta we defendan I ko damagem ol coconas.

Fes witness blong defendan emi Noel Kileteir emi kam talem long kot se apu blong em nao we emi papa blong apu woman blong em Silas we I plannem coconas ia wetem Celestino Yorley. Emi bin talem tu se Andre I bin aot long eria from we



woman blong em I swear long Silas mekem I ronem maot olgeta. Emi confem tu long kot se ol parents blong claimer oli bin liv long eria ia.

Namba tu witness blong defendan emi Ellie Malmicheal blong Rano vilij Northeast Malekula emi talem tu long kot se coconas emi blong Silas we oli plannem long Jinderedere . Emi talem tu se Silas ia emi no gat boe be wan gel nomo. Long cross examination emi confemem long kot se papa blong Yorley nao I talem long em se Silas emi plannem coconas be emi no bin luk wetem eye blong em.

Defendan mo ol witness blong em oli talem long kot se ol coconas planation ia Silas nao emi plannem.

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

### COURT FINDINGS

- Kot I faenem maot se yes defendan emi bin cuttem daon 9 stampa coconas be emi no cuttem daon mango tri
- Kot I faenem maot tu se I gat assemen blong confemem se defendan emi bin cuttem daon ol coconas mo witness Jean Marie emi bin confemem se emi bin talem maot damage long defendan be emi neva mekem any paymen I ko long claimer
- Defendan emi no save pruvum long kot se why oli neva stoppem Collin Taur taem emi ko stap selaot copra long plantation ia we emi blong claimer
- Witness blong defendan Noel Kileteir emi confemem long kot se papa mo mama blong claimer oli bin liv long eria Jinderedere
- Witness Noel Kileteir emi confemem tu long kot se Collin Taur nao emi stap selaot copra long Jinderedere
- Defendan mo ol witness blong em oli stap talem se ol man nomo oli stap talem long olgeta se Silas nao I plannem coconas be oli no save pruvum
- Witness blong claimer we emi Collin Taur emi confemem long kot se taem blong emi selaot long coconas blong mekem copra emi ko askem claimer be



I no defendan, emi talem tu se taem we emi stap selaot defendan mo ol family memba blong em oli neva approachem em blong talem se bae emi no mas selaot copra

- Kot I faenem maot tu se defendan mo ol family blong em oli neva selaot copra long eria ia
- Kot I faenem maot se namba 3 witness blong claimer tu emi confemem long kot se Collin Taur nao I stap selaot copra long ol coconas blong claimer
- Namba 4 witness blong claimer emi confemem tu long kot se taem oli smol stap selaot copra long ol coconas ia defendan ol family blong em oli neva kam tok or stoppem olgeta

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


#### COURT ORDERS

1. Defendan Yoano Yorley bae emi pem bak 9 coconas we emi damagem ia follem rate blong Agriculture we emi 3,300 VT long wan stampa coconas
2. Defendan bae emi pem bak wan total amount blong VT 29,700 I ko long claimer
3. Defendan emi gat 2 manis blong emi complitim VT 29,700 compensation ia I ko long claimer stat long dei we emi risivim jajmen;
4. Sapos defendan emi no comply wetem oda namba 1, kleima emi gat raet blong kam filem kes blong Enfosmen long clerk blong ko bifo long wan Supervising Magistrate;
5. 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" mo 30 dei blong apil ia bae emi stat long dei we yu resivim Judgmen*



**Dated at Lakatoro this 21 day of July 2020**

**BY THE COURT**



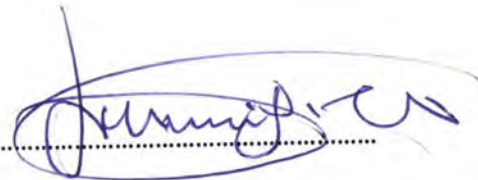
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**Justice Douglas Fadal**



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**Justice Robert Niptick**



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**Justice Luan Gaum**

