

BETWEEN: KALKY MALWERPNY

Claimant

AND: PATRICK ULNAIM

Defendants

Date of HEARING: 20th 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

JUDGMENT

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 emi filed mo registered long namba 19 blong manis June 2020 we claimant Mr Kalky Malwerpny blong Rano vilij, Northeast Malekula emi filem agensem Mr Patrick Ulaim blong Rano vilij, Northeast Malekula.

Kalky emi filem claim blong em se defendan mo son blong em Harmo tufala I bin damagem ol property blong em olsem stampa blong cocoa, stampa blong wael yam, stampa blong coconut, mo stampa blong red bean.

Emi statem tu se defendan emi bonem wan stampa mango, wan stampa red wud mo sam mo nara wud. Emi statem tu se emi jes finem ol damaej ia afta 3 wik 1



pass from emi stap long ded blong wan sista blong em taem emi kam bak emi emi jes luk ol damej ia samtaem long manis June 2020.

Long namba 17 dei blong manis June 2020 defendan Mr Patrick emi wraetem wan leta I ko long claima mo talem long em se 'sapos emi finem claima bae emi sakem em long solwota'. Wetem ol tingting ia claima emi wandem defendan bae emi pem bak damej ia long wan amount blong VT 200,000.

Defendan Mr Patrick Ulnaim blong Rano emi respon mo statem se claima tu bifo emi kam filem claim blong em long Aelan kot emi bin ko pass long Karen blong em mo damagem tu banana, cabbage, cocoa we emi damagem long 18 June 2020.

Emi statem tu se pis lan we claima emi plant long em emi lan blong Jif Malmen blong Rano smol aelan we olgeta I boundary wetem em. Emi statem tu se Kalky emi tek ova long lan ia afta we Jif Malmen Vincent emi ded.

Emi statem tu se apu blong Kalky emi jes kam plannem sam kaikai wetem ol kaikai we Malmen Vincent I plannem finis I stap. Emi statem tu se emi wandem claima emi compensatem em long ol damage we emi mekem long ol kaikai blong em.

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

COURT FINDINGS

- Defendan Mr Patrick Ulnaim emi confemem se emi mekem damaj long Karen blong claima Mr Kalky Malwerpny
- Damej emi stap long semak eria we claima mo defendan I wok long em
- Defendan emi no bin toktok wetem claima blong emi cuttem wud blong mekem timba blong haus, bonem red wud, nangai tri mo mango tri
- Kot I faenem maot se tufala tugeta I stap claimem eria or graon we tufala I stap wok long em be I no gat wan evidence blong talem or soem long kot se graon emi blong whu ia stret.

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



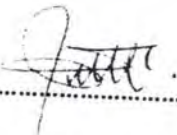
COURT ORDERS

1. Mr Patrick Ulnaim we emi defendan blong kes bae emi pem wan damage blong VT 25,900 I ko long claima
2. Mr Patrick Ulnaim bae emi mekem fes paymen mo complitim long manis December we emi wan total amount blong VT12,950, mo second paymen emi mas complitim long manis January 2020 we emi wan total blong VT 12,950.
3. Sapos defendan emi no comply wetem oda namba 1 mo 2, kleima emi gat raet blong kam filem kes blong Enfosmen long clerk blong ko bifo long wan Supervising Magistrate;
4. 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 apil bae emi stat long deit we yu resivem oda ia.*



Dated at Lakatoro this 20 day of July 2020

BY THE COURT



Justice Douglas Fadal



Justice Robert Niptick



Justice Luan Gaum

