

BETWEEN: Nipina Taho
Claimant

AND: Johnna Tao
Defendant

Date of Hearing: Thursday 22nd September, 2022
Date of Judgement: Thursday 22nd September, 2022
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila

Before: Justice Thomas FELIX (Presiding Justice)
Justice Serah PATON (Member)
Justice Roy TINING (Member)

Island Court Clerk: Alida ALAIN

In Attendance: Both Parties

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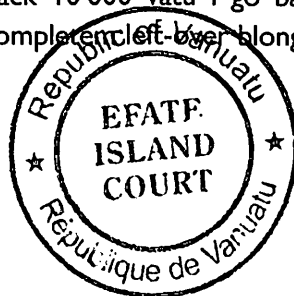
COURT JUDGEMENT

'Nipina Taho' i klem se hemi bin givim 30'000 vatu cash long Defendant Johnna Tao blong yusum service blong Johnna Tao olsem wan Private Consultant we bae i save mekem arrangement wetem ol agents blong RSE blong save recruitem Claimant under long RSE Scheme.

Defendant hemi acceptem Claimant olsem wan client blong hem mo hemi collectem 30'000 vatu cash blong providem service ia, mo promisem claimant se bae hemi travel long manis blong May 2022 olsem wan RSE Worker.

Manis blong May 2022 i pass, claimant i no receivim any positive feedback from Defendant so claimant i start blong follemap wetem Defendant about verbal agreement ia through long telephone calls mo appearance in person long residence blong Johnna Tao.

Defendant Johnna Tao hemi mekem fulap promise long Claimant se bae Claimant i travel long manis blong May 2022, June 2022, July 2022 mo August 2022 be i never happen. Olsem result, claimant i go appeared in person long Residence blong Defendant mo askem back money. Johnna Tao i givimback 10'000 vatu i go back long claimant mo promisim Nipina se bae hemi givimback another 20'000 vatu blong completem left-over blong money long Friday we hemi long semfala week be kasem today, i never happen.



Claimant i describem Defendant olsem wan "kiaman man" from hemi faenem difficulties blong kolem hem long phone mo from hemi stap promisem Claimant se bae i travel long ol manis olsem May 2022 kasem August 2022, be i never happen.

Long manis blong September 2022 Claimant i give-up long service ia mo i nomo gat interest blong travel nao hemi kam faelem case long Island Court long date ia 9th September 2022 blong Court ia i deal wetem mo orderem Defendant blong must pembak 20'000 vatu plus 1'000 vatu cost blong karem case ia i kam long court.

Court i summonem Defendant wetem notice blong claim long matter ia. Long date ia 15 September 2022, Defendant i faelem defense statement blong hem mo talem se hemi bin provaedem service but Claimant i refused blong travel. Defendant i talem se hemi bin kolem claimant blong kam saenem contract we hemi bin preparem finis blong claimant i travel long namba 12 September 2022 olsem wan RSE worker. Long cross-examination, Claimant Nipina Taho i dinaem statement ia about 12 September blong travel out se Johnna i stap kiaman long court ia. Nao Court i askem Defendant blong givim evidence long statement blong hem sapos hemi gat any relevant documents blong pruvum toktok ia, be Defendant hemi fail blong provaedem.

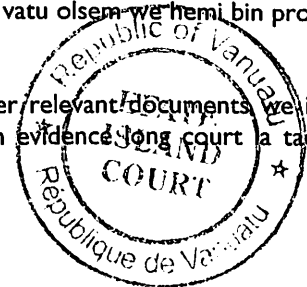
Long Defence Statement blong Defendant, hemi also claim se bae hemi no save refundem back 20'000 vatu we i stap from hemia hemi use towards ol service we hemi provaedem follem request blong claimant. Taem court i askem Defendant blong showem long court trough long receipts or any other relevant document we i statemaot ol wannem kaen service nao Defendant i mekem long verbal agreement we hemi gat wetem Claimant, court ia i faenemaot se Defendant i nogat evidence.

Long last paragraph blong Defendant long defence statement blong hem, hemi putum wan counter-claim blong 50'000 vatu blong claimant i must pem follem service we defendant i provaedem long hem.

FINDINGS BLONG COURT

After we court i hearem, readim mo considerem ol statements mo toktok blong tufala parties, olgeta findings blong court i go olsem:

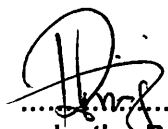
1. Johnna Tao hemi work olsem wan consultant we i register long Vanuatu Financial Service Commission under long name ia JHNTO CONSALTEN mo i gat wan Valid Business License – N. BL592689 we Shefa Provincial Government i issuemaot long hem.
2. Yes, hemi true Claimant i bin givim 30'000 vatu cash long Defendant blong yusum service blong Defendant olsem wan consultant blong mekem arrangement wetem ol RSE Agents blong recruitem claimant olsem wan RSE Worker.
3. Yes, hemi true Defendant hemi mekem fulap promise se bae Claimant i travel out long manis blong May 2022, June 2022, July 2022 mo August 2022 be i no happen.
4. Court i faenemaot se after we Defendant i risivim 30'000 vatu long claimant olsem client blong hem, hemi fail blong nomo communicate wetem claimant i mekem se claimant i nomo trustem Defendant long service we hemi stap providem.
5. Court i faenemaot se Claimant i really try hard blong communicate wetem Defendant i go kasem wan stage we claimant i go kamaot long Defendant long residence blong hem mo demandem back 30'000 vatu ia. That time, Defendant i givim 10'000 vatu nomo mo i promisem Claimant blong pembak left-over vatu later long Friday semak week.
6. Court i faenemaot Defendant i no refundem back yet left-over money 20'000 vatu olsem we hemi bin promisim long claimant.
7. Court i faenemaot se Defendant i fail blong provaedem ol receipts or other relevant documents we i statem ol service we hemi stap mentionem se hemi mekem finis long claimant olsem evidence long court ia taem court i askem hem.



ORDERS BLONG COURT:

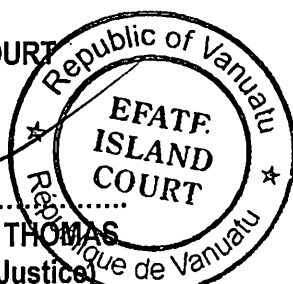
1. Court i orderem 'Johnna Tao' blong mas refundem back claimant 20'000 vatu left over money mo 1'000 vatu cost blong karem matter ia i kam long court before end blong manis October 2022. Mo payment ia bae i kam stret long office blong Efate Island Court blong clerk i receiptem mo kolem claimant blong kam collectem long office ia.
2. Sapos 'Johnna Tao' i no comply wetem order no. 1, claimant i kat raet blong save applae from *enforcement* i kamback long Efate Island Court before Supervising Magistrate blong court ia blong hemi Enforsem olgeta orders ia;
3. Party i gat raet blong mekem wan appeal long decision ia sapos hemi no happy wetem i ko long Magistrate Court within 30 days start from tedei.

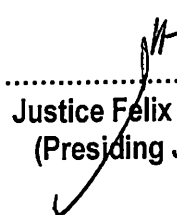
DATED at Port Vila this 22nd September 2022.



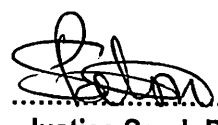
 Justice Roy TINING
 (Member)

BY THE COURT





 Justice Felix THOMAS
 (Presiding Justice)



 Justice Serah PATON
 (Member)