

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil case 800 of 2021

BETWEEN: MATHIAS URINMAL

Claimant

AND: EVE NEMALEVE
ARIM JEAN DAVID

Defendants

Date of Hearing: 31 MAY 2022

Date of Judgment: 24 JUNE 2022

Before Justices: Douglas FADAL(Chairperson), Walter PHILIP, Patison PETER

Clerk: Collyne Tete Maki

In Attendance: Claimant - Present
Defendants – Present



JUDGMENT

1. INTRODUCTION

Mathias Urinmal blong Rano village, Northeast blong Malekula emi filem kes agensem Eve Nemaleve mo Arim Jean David blong Rano vilij long Northeast blong Malekula.

2. ISSUE BIFO LONG KOT:

- *Whu long olgeta defendan oli damagem property blong kleimen?*
- *Why nao ol defendan I mekem ol damage long property blong defendan?*

3. BACKGROUND BLONG CASE

KLEIMEN

1. Emi filem kes agensem ol defendan long namba 15 March 2021
2. Emi kleim I kam long kot blong kot I stoppem tufala defendan blong no usem rod mo no trespass I ko long ol property blong em
3. Long Wednesday 10 May 2021 samplas long 10am tufala defendan ia I rao long em taem emi stap long Karen
4. Emi kleim se Eve emi cuttem wan stampa blong coconas
5. Emi kleim se Arim Jean emi cuttem lif blong banana, stikim cocoa we I raep mo stap drink mo stap pikimap frut blong natafua, nangai mo namba without permission

DEFENDAN

1. Emi no filem any response be jes kam toktok nomo long kot mo talem
2. Losen emi talem se ud we emi cuttem emi no wan fresh tri be wan drae wud nomo we hurricane I mekem i fold daon I stap emi jes ko cuttem blong oli usem blong firewood blong cook
3. Losen emi talem tu se fulap man I ko cuttem wood ia even I nomo gat branches stampa blong em nomo I stap nao emi jes ko cuttem be kleimen I no ripotem ol nara wan from be I jes kam ripotem em

4. COURT FINDINGS

Mathias Urinmal

Kot I faenem maot se:

- Kleimen emi no gat evidence blong pruvum long kot
- Emi no save pruvum long kot se defendan emi cuttem ol leaf blong banana blong em
- Emi no save pruvum long kot se emi plannem ol cocoa
- Emi no save pruvum long kot se emi plannem ol fruit tri we I gat Natapoa, Nangai mo Namambe
- Emi no save pruvum se whu I cuttem coconas
- Emi no save pruvum se whu I cuttem bannana



Eve Nemaleve & Arim Jean David

Kot I faenem maot se:

- Emi confemem long kot se olfala rod emi kastom rod emi mekem niufala trod from emi klosap long haus blong em
- Eve emi confemem long kot se emi no save long ol banana ia from we em tu I I gat heap banana raon long haus blong em we emia nmo emi cuttem
- Arimen emi talem long kot se ol cocoa ia defendan emi no plannem oli gro wael nomo
- Arimen emi talem se ol fruit tri ia ol pupu blong olgeta nao I plannem mo oli stap pikimap finis long taem I kam tugeta parties I gat access long ol fruit tri ia I no olgeta nomo

5. COURT ODA

1. Civil case 800 of 2020 emi dismissed
2. Any parties emi no hapi long kot decision ia emi gat 30 dei blong emi apil I ko long Magistrate kot.

ODA IA KOT I MEKEM LONG 24 BLONG MANIS JUNE 2022

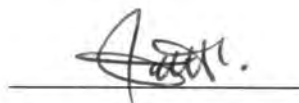
BY THE COURT



Justice Patisson PETER



Justice Walter PHILIP



Justice Douglas FADAL

Chairperson

