

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

Civil case 1621 of 2021

BETWEEN: DESIREE URINMAL

Claimant

AND: LOSEN DANIEL

EVE NIMALEVE

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

Defendant s- Present



JUDGMENT

1. INTRODUCTION

Desiree Urinmal blong Rano village, Northeast blong Malekula emi filem kes agensem Eve Nemaleve mo Losen Daniel 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 24 blong manis May 2021
2. Emi kleim I kam long kot blong kot se long 15 May 2021 emi stap wokbaot ko long Karen mo luk tufala defendan I stap cuttem wan firewood we emi wan stampa blong nakavika
3. Emi kleim se nakavika tri ia I stap long eria blong em

DEFENDAN

1. Oli filem response long namba 4 blong manis June 2021
2. Oli basem kleim blong em olsem wan counter claim blong talem se most long ol properties ia olfala blong olgeta I plannem we oli continue blong usem till today
3. Oli statem tu se most blong ol issues or raorao blong olgeta emi from graon
4. Losen emi talem se wud 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
5. 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

Desiree Urinmal

Kot I faenem maot se:

- Kleimen emi no gat evidence blong pruvum long kot se Eve I tekem fire wood I ko long haus blong em long way blong stil
- Emi no pruvum long kot se stampa blong nakavika ia emi wan laef wood blong emi kleim from
- Raorao blong em I base plante logn graon

Eve Nimaleve & Losen Daniel



Kot I faenem maot se:

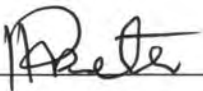
- Emi confemem long kot yes emi cuttem nakavika ia be emi wan dry wood we hurricane I blow long em I fold daon, even ol branches blong em I no gat stampa blong em nomo I stap mekem emi ko cuttem
- Be wud ia I fold daon long eria blong olgeta
- Raorao blong olgeta I base plante long graon

5. COURT ODA

1. Civil case 1621 of 2021 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

