

**IN THE MALEKULA ISLAND COURT
HELD AT ORAP CENTER/ MALEKULA**

Civil Case No. 1 of 2013

(Civil Jurisdiction)

BETWEEN: JEAN BOSCO BELOSAT
Original Claimant
AND: JOSEPH BASILIO
1st Counter Claimant
AND: URPANO MELTELILI
2nd Counter Claimant
AND: ROBERT AMET
3rd Counter Claimant

**MATTER: DISPUTE OVER LONG JIFLY TAETOL BLONG BIK
NAKAMAL MULEI.**

Jastices: Jastis Shema Tasvallie
Jastis Douglas Vandel
Jastis Endie Shem

Clerk: Joel Jacob

JUDGMENT

Brief backgraon blong case:

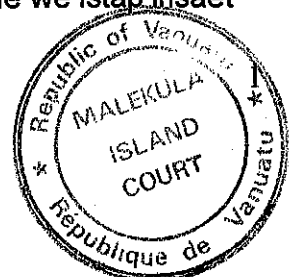
Civil Case # 1/2013 hemi wan customary matter concernem dispute long Jifly taetol blong Bik nakamal Mulei long Vao aelan. Keis hemi kam bifo long kot long 8/04/2013 mo tudei 27/08/2013 keis hemi ko long trial blong faenemaot issue we istap.

Issue:

Who nao long olketa parties ia hemi raet man blong tekem taetel ia olsem stret jif blong Bik Nakamal Mulei?

Smol Histri blong case:

Original Claimant – OC hemi talemaot long kot ia se hemi nomo hemi rulum every nakamal insaet long Labarang, nasara blong Betehul village. Taem kot mo ol paties oli kwistinim hem, hemi talemaot se; yes Mulei nao hemi bik nakamal insaet long nasara from ston blong hem istap long foret mo Molei hemi wan saet ston blong hem we tufala istap insaet long Labarang. Hemi talemaot se ikat 8 nakamal everyone we istap insaet



long Betehul be oli nomo luk save hem olsem bik jif. Logh-Vali hemi no wan nakamal, hemi nem blong wan man we hemi ansestas blong hem. Long kastom blad laen fes bon nao hemi kamaot long hem we family tri blong hem isoemaot klia. Hemi koet blong talem se, Namangi hemi kill insaet long nasara mo sekomcisen & miting blong every smolmol jifs istap apen insaet long nakamal blong hem. Meltegani nao hemi head blong Nakamal ia (Bik Nakamal Mulei).

Fes witnis hemi Jeannot Malcekan we hemi kam long kot ia blong witnisim family tri blong hem mo high rang ia we olfala blong hem itekem. Taem kwistin hemi reis, ikam blong talemaot se 1 man nomo hemi brid iko long 4 nakamal ia mo insaet long olketa, ikat ol smolmol nakamal pakeken (1 blad nomo insaet long ol nakamal ia).

Counter Claimant 1: Hemi kam blong jalensem OC from nem ia hemi no blong OC, nem ia hemi blong hem we hemi Smol Nakamal Molei. Bik nakamal hemi Logh-Vali we olfala Amet nao hemi stap head long hem mo tudei, Amet irikonaesem hem olsem smol nakamal blong hem.

Fidel Mettenale. Witnis ia hemi kam blong talemaot se yes Amet nao hemi ko tekem CC1-long penticost ikam putum m long nakamal ia. Hemi konfemem pakeken se Logh-Vali hemi Bik nakamal mo Mulei hemi smol nakamal.

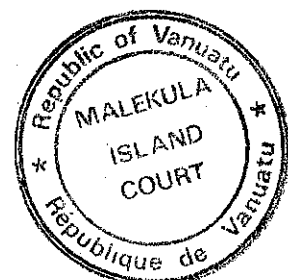
Counter Claimant 2: Fes toktok blong CC2 hemi se, insaet long Labarang, ikat 2 nakamal nomo, 1 hemi Logh-Vali mo narawan hemi Mulei we hemi smol nakamal.

Taem oli kros examineitem hem, hemi se hem nao iseperetem ol nakamal we Kelsovi nao hemi fes man long olketa.

Counter Claimant 3: Robert Amet hemi talemaot se kastom kreif blong hem isilip long Labarang we tufala nakamal blong hem istap insaet, Logh-Vali mo Mulei. Hemi blad laen blong jif mo hem nao ikasem high rang ia we ikat 6 step long hem. Also hemi se posisen blong ston blong hem hemi stap long fran. Hemi konfemem pakeken long wan kros examinesen se kreif blong papa blong OC istap insaet long Mulei mo blong Amet istap aotsaet long kraon blong bik nakamal. Hemi diskraebem se hem nao hemi las bon disenden blong man ia we ikamaot long rob therefore hemi establish long smol nakamal tudei.

Ricky Coline. Witnis ia ikam bifo long kot blong talemaot se anding ova long posisen ia we Amet imekem iko long OC from nomo, ol pikinini blong hem oli smolmol yet mekem se hemi mekem olsemia. Hemi mekem lo sence se, sipos oli bikbikwan inaf, OC hemi mas kivim pak ikobak long olketa. Tudei, OC hemi nomo kivimbak afta hemi klem se taetel ia hemi blong hem we hemi no sud mekem olsemia.

Taem kot hemi kros examineitem hem, hemi talemaot se Robert nao hemi stret blad laen from Amet nao hemi fes bon mo Robert nao isud tekem taetel ia.



1. *Folem steitmen, family tri, kwistens mo response we ikamaot long olketa klemen, witnises mo kot, Aelan Kot hemi faenemaot se ikat dispute yet long olketa samting ia;*

- a) Se Mulei nakamal ino wan existing nakamal, be Molei nakamal nao hemi exist
- b) Se Mulei or Mole ino wan bik nakamal
- c) Ikat intaferense blong sam kleima we oli kivim ansas long ol witnises blong olketa long kwistin box

2. **ISLAND COURT DECISION**

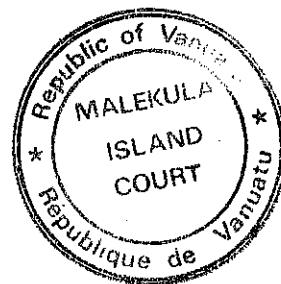
Jifly taetel blong Bik Nakamal Mulei hemi transfea ikobak long North East Area kaonsel of Jifs.

Issue blong keis bifo long North East Area Kaonsel of Jifs hemi olsem;

- a) Mulei nakamal hemi wan existing nakamal or no?
- b) Mulei nakamal hemi wan bik nakamal or smol nakamal?
- c) Kastom nem ia Velihe mo Navagarurocolat, tufala istret family traeb blong who long olketa ia, Jean Bosco Belosat, Robert Amet or wan narafala traeb?

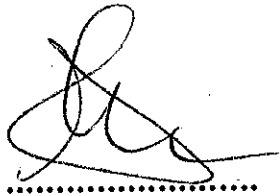
3. **ISLAND COURT DIRECTION ORDER**

- a) Hearing date blong North East Area Kaonsel of Jifs long ol tri mattas dispiut bae hemi sitaon long namba 14th Oktomba 2013.
- b) Aelan kot I odaraesem North East Area Kaonsel of Jifs, presiden David Sewere blong ogonaesem hearing long date ia (14/10/13).
- c) Eni apil agensem dicisen ia bae hemi shift iko antap long area counsel of chiefs to Malmetenvanu mo ikambak long aelan kot.
- d) Sipos eni pati ino akri long dicisen ia, hemi kat 30 deis blong apilim keis ia stat tudei 5th blong septemba kasem long 5th blong octomba 2013.



Dated at Lakatoro this 5th day of September 2013.

BY THE COURT



Justice Shema Tasvallie


Justice Douglas Vandel

E.ndy.Shem
Justice Endie Shem

