

(Civil Jurisdiction)

BETWEEN: FAMILY VANUAPURU

Claimants

**AND: SUPERNATVUITANO
ISLAND TRIBUNAL,
consisting of the following
chiefs: Joseph Lap, Tom
Rasu**

First Defendants

**AND: DEPARTMENT OF LAND,
responsible for the
coordination of the Tribunals
within the Republic of
Vanuatu**

Second Defendant

AND: POKILAU SALERUA

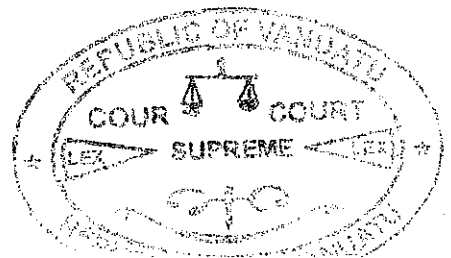
Third Defendant

**Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk**

**Mr Jack I. Kilu for the Claimant
No Appearance by First Defendant
Mr Frederick Gilu for Second Defendant
No Appearance by Third Defendant**

RULING

Although Mr Kilu is present, his clients are not in Court. He tells the Court that he does not have a copy of the Claim as filed. His clients



are not in Court in person to explain service. Similarly Mr Gilu informs the Court that he has not been served with the Claim. It explains also why the First and Third Defendants are not present today. He refers the Court to Rule 5.3 which states:-

- "1. The Claim and response form must be served on the defendant within 3 months of the dated on which the claim was filed.**
- 2. If a claim is not served within that period, it is no longer of any effect."**

This claim was filed on 11th May 2007. It is now more than 3 months. By Rule 5.3(2) it is clearly not of any effect.

The matter was first called for conference on 19th June 2007. No parties or counsel were present at Court on that date. The matter was called for a second time by Notice dated 6th August 2007. Today although Mr Kilu is present his clients are not in Court to explain why there has not been service. Mr Gilu is present only due to receiving the Notice of 6th August. The other defendants are not present.

Therefore in the view of the Court, this is a case that is no longer of any effect. But to officially put that into effect the Court has to strike the case out under its powers as stated in Rule 9.10.

Accordingly this claim is struck off in its entirety. And there will be no order as to costs.

DATED at Luganville this 5th day of September 2007

BY ORDER OF THE COURT


OLIVER A. SAKSAK
Judge

