



**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil Case No. 57 of 2007

BETWEEN: LENEAI PALMS RESORT

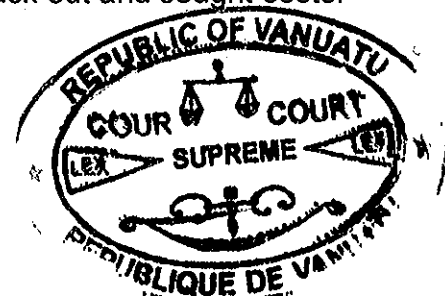
Claimant

**AND: VANUATU INVESTMENT PROMOTION
AUTHORITY**
Defendant

Claimant: Mr. D. Yawha (No appearance)
Defendant: Mr. J. Ngwele

JUDGMENT

1. On 24th April 2007 the Claimant filed a claim against the defendant seeking damages of VT25, 000, 000 relating to the revocation of its certificate to operate a Resort on Tanna Island.
2. The Defendant filed a defence on 29th May 2007.
3. The Claimant filed a reply on 4th October 2007.
4. Those are the only documents filed and no further steps have been taken by the Claimant in pursuit of its claim.
5. On 6th April 2010 the Attorney General wrote to the Chief Registrar of the Supreme Court of Vanuatu inviting the Court to dismiss the claim in reliance on rule 9.10(2)(d) of the Civil Procedure Rules. A copy of such letter was sent to the Claimant's solicitor, Mr. Yawha.
6. In response to this letter I issued a minute on 26th July 2010 that a conference was to be held on 4th August 2010 at 2.00 pm.
7. I also recorded in the minute that as the Claimant had not taken any steps in the proceeding since October 2007 the issue of striking out the claim now arose.
8. At the conference earlier this afternoon there was no appearance on behalf of the Claimant, either by Mr. Yawha or other counsel from his office. Mr. Ngwele appeared for the Defendant.
9. Mr. Ngwele advised that he had not had any contact with Mr. Yawha subsequent to the letter of 6th April 2010 or any indication at all that the Claimant might still be pursuing the claim. He asked that the proceeding be struck out and sought costs.



10. From the circumstances outlined above I consider that the only reasonable inference to draw is that the Claimant has abandoned its claim. The proceeding is therefore struck out.
11. The Defendant is entitled to costs. I envisage that would encompass taking initial instructions, preparing filing and serving the defence, writing to the Court on 6th April 2010, and attending today's conference. I fix costs at VT30, 000.

**Dated at Port Vila, this 4th day of August, 2010
BY THE COURT**



J. Macdonald
Judge

