

(Civil Jurisdiction)

BETWEEN: TONY NATUN

Claimant

AND: AUTHER TOA

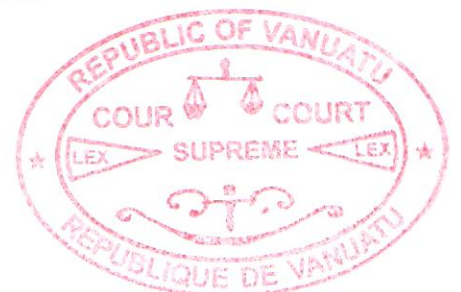
Defendant

Mr Justice Oliver A. Saksak

Date: 17th May 2011

DECISION

1. By formal notice dated 16th February 2011 this case was called for hearing at 0800 hours today.
2. The Court has been informed that neither the parties nor their counsel are available at Court today.
3. The Court notes that Parties were directed to pay their trial fees on 2 October 2009. None of them complied.
4. Again on 12 November 2009 the Court re-issued orders requiring payment of fees by the Parties before 16 December 2009. None of the Parties complied.
5. Counsel Mr Stephen last wrote on 12 November 2009 and Mr Nathan last wrote on 7 December 2009 indicating their intentions to cross-examine each others witnesses.



6. From 12 November 2009 to May 2011, it has been some 18 months. The Claimant has not taken any active steps to ensure this proceeding continues. He has clearly failed to comply with Court Orders twice.
7. Therefore pursuant to Rule 9.10(1) and (2)(d) of the Civil Procedure Rules, the Court exercises its discretion to Order that this proceeding be hereby struck out in its entirety.
8. There will be no order as to costs.

DATED at Luganville this 17th day of May 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge

