

BETWEEN: SERGIO THOMAS

Claimant

AND: SERULO WARAWARA

Defendant

Coram: Mr. Justice Oliver A. Saksak In Chambers

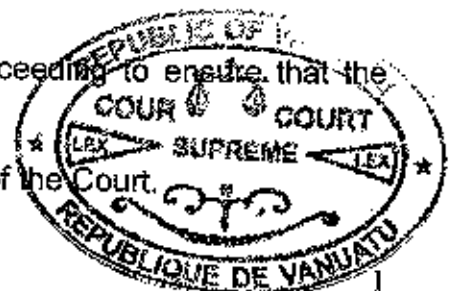
Date: 20th August 2013

STRIKE-OUT ORDER

Issued pursuant to the Court's powers under Rule 9.10(1)(a) and (b) and (2)(d) of the Civil Procedure Rules No. 49 of 2002 (the Rules).

WHEREAS –

1. By Order dated 13th April 2012 leave was granted by the Court for the Claimant herein to file and serve an Amended Claim on the defendant within 21 days, and the Claimant did not comply with the direction. The case was made returnable on 21 May 2012.
2. On 21 May 2012 the Claimant through Counsel requested a further 14 days adjournment in order to file an Amended Claim and the Court allowed the request strictly for 14 days.
3. It has now been some 1 year and 3 months since 21 May 2012 and the Claimant's failure and/or omission to act appropriately indicate that –
 - (a) He has not taken necessary steps in the proceeding to ensure that the proceeding continues; and
 - (b) He has not complied with two previous orders of the Court.



4. The Claimant has not taken any step in the proceeding for well over 6 months.

NOW THEREFORE PURSUANT TO ITS POWERS under Rule 9.10 (2) (d).

IT IS ORDERED THAT -

1. Civil Case No. 2 of 2009 be hereby struck out in its entirety.
2. There be no order as to costs.
3. The Parties hereto be served with a copy of this Order.

DATED at Luganville this 20th day of August 2013.

BY THE COURT


OLIVER A. SAKSAK
Judge

