

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

CIVIL APPEAL CASE No.147 OF 2012
(Appeal from the Magistrate's Court)

BETWEEN: FAMILY IARAI MOSES
Appellants

AND: RUEA SERO & LOUPAS FAMILY
Respondents

Mr Less Napuati for the Appellants
Mrs Mary Grace Nari for the Respondents

JUDGMENT

This is a Notice of Appeal filed by the Appellants on 23 August 2012. The Appellants appeal against a summary judgment issued by the Magistrate's Court at Isangel, Tanna on 25 July 2012.

The Notice of Appeal seeks for:

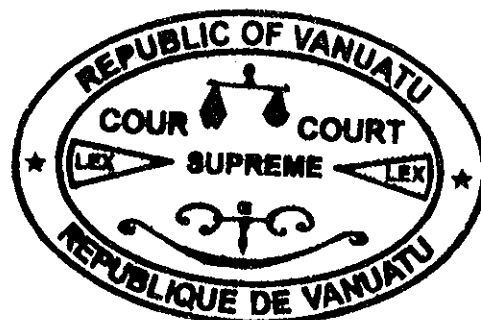
1. The Magistrate's Court orders dated 25 July 2012 be set aside in its entirety.
2. Order for cost against the Respondents

I heard Mr Less Napuati on behalf of the Appellants. I heard Mrs Mary Grace Nari on behalf of the Respondents. I considered the grounds of appeal. Various grounds were raised in the Memorandum of appeal. There were disputes over the legality of a Lease Title and damages. On the face of the documents, the magistrate lacked Jurisdiction to entertain the claim and issue the summary judgment. Mrs Nari counsel for the Respondents does not dispute this.

At the end of the hearing both counsel consent that the appeal be allowed with costs for Appellants.

Following orders are made by consent:

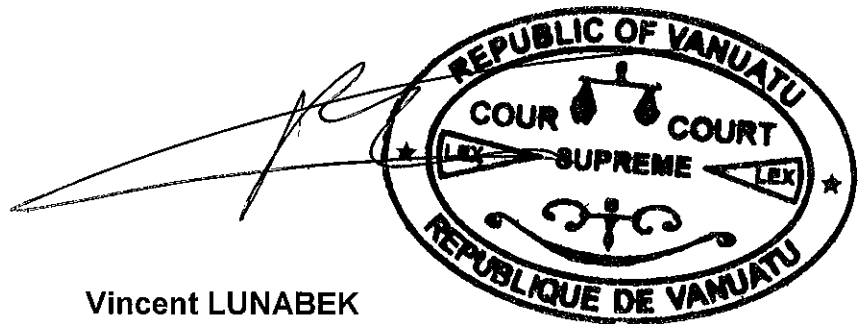
1. Appeal allowed.
2. Summary Judgment issued by the Magistrate's Court at Isangel, Tanna dated 25 July 2012 is struck out and set aside.
3. The Appellants are entitled to costs against the Respondents in Vatu 30,000.



4. Any other Orders or Warrants of Enforcement (if any) issued by the Magistrate's Court in Civil Case No. 06 of 2010, shall be null and void and of no effect.
5. The Respondents may consider filing their claim in the Supreme Court.

DATED at Port-Vila this 20th day of February 2013

BY THE COURT



**Vincent LUNABEK
Chief Justice**