

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**

*(Civil Jurisdiction)*

Civil Case No .302 of 2014

**BETWEEN: FAMILY TARI as represented by AMON TARI**  
Claimants

**AND: PENAMA ADVENTIST COLLEGE**  
First Defendant

**AND: REPUBLIC OF VANUATU**  
Second Defendant

**AND: ISON BANGA FAMILY**  
First Interested Party

**AND: NICOLSEN TARI FAMILY**  
Second Interested Party



**Coram:** *Mr. Justice Oliver A. Saksak*

**Counsel:** *Claimant- No appearance*  
*First Defendant- Edmond Toka- No appearance*  
*~~Second Defendant- Lennon Hui~~*  
*First Interested Party- George Boar- No appearance*  
*Second Interested Party- Stephen Joel- No appearance*

**Date:** *31<sup>st</sup> May 2017*

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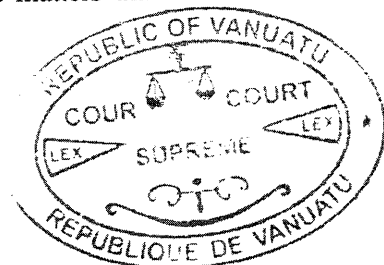
**DECISION**

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1. The Republic applied for orders to strike out the claimant's claim on 26<sup>th</sup> April 2017. The application is supported by sworn statement of Counsel filed on the same date.
2. The application is allowed and the claimant's claims are struck out in its entirety. There is no order as to costs. Each party is to bear its own costs.

**Reasons**

3. I accept the State's submission that the claimant has no standing. To have standing the claimant had to show by admissible evidence that he has an unchallenged declaration by a competent Court, having jurisdiction over land matters that he is the custom



landowner over which the Penama Adventist College now operates. Clearly the claimant has no such evidence. That is the first reason.

4. That second reason is this: that the claimant has not taken steps in his proceeding as required by the Rules to ensure his proceeding continues. He has stopped giving appropriate instructions to counsel so that Mr Ngwele filed a notice to cease acting on 17<sup>th</sup> February 2017. The claimant has not advised whether he has instructed another lawyer and neither has any clear address for service been provided. The last document by Amon Tari was filed on 28<sup>th</sup> June 2016, some 9 months ago today.
5. Rule 9.10 (1) and (2) of the Civil Procedure Rules are clear. There have been directions which the Claimant has failed to comply with, as well as his non active steps. And this has gone on for more than 2 years since the claim was filed on 23<sup>rd</sup> September 2014.
6. Moreover, in a case where it is so obvious the claimant has no standing, the Court should and must intervene by ending the matter without making the parties and especially the Defendants and the Interested Parties having to incur unnecessary legal costs by coming to Court. The Court has inherent jurisdiction under section 65 of the Judicial Services and Courts Act CAP.270 as well as the specific discretionary power under Rule.9.10. The case of Ebbage.v. Ebbage [ 2001] VUCA 7 is clear authority on this point.
7. Accordingly, pursuant to these powers the claimant's claims are dismissed.

**DATED at Port Vila this 31<sup>st</sup> day of May 2017**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**

