

BETWEEN: Timothy Kaltack

Claimant

AND: Denny Zakary, Tim Teo Kalmet and Yan Dapang

First Defendants

Li Jianjun, Zhang Yu Minf and Xu Jian Ying

Second Defendants

Date: Thursday, 7 June 2018

Before: Justice G.A. Andrée Wiltens

In Attendance: No Appearance for the Claimant (Mr G. Takau)

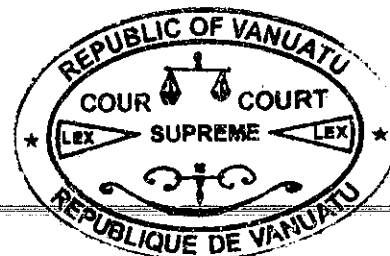
Mr L. Napuati for the First Defendants

Mr S. Hakwa for the Second Defendants

JUDGMENT

A. Introduction

1. A Strike-out Application was filed in 2017. There has been no response to that filed by the Claimant. There is also no appearance today by the Claimant or his counsel. I note that at the previous scheduled of this matter there was also no appearance even though Mr Hakwa had discussed the case with Mr Takau the previous day.



B. Discussion

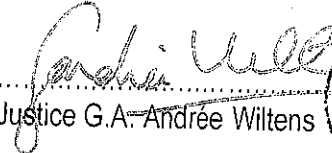
2. There has clearly been a failure to prosecute this matter by the Claimants, despite being legally represented.
3. The Application to Strike out the Claim has not been opposed, in any way, by the Claimants or Mr Takau.
4. I have a sworn statement in support of the application which seriously undermines Mr Kaltack's standing, namely his stated position as being in a position to instigate the claim "on behalf of his community".
5. I have a sworn statement, with relevant annexures, demonstrating that much of what is claimed simply cannot be correct, namely who owns the land and/or lease and who is entitled to receive the rent.

C. Result

6. The Strike-out application is granted. The Claimant's case is dismissed in its entirety.
7. The Second Defendant's counter-claim is abandoned.
8. There will be an order for costs, in favour of the defendants, in the sum of VT 50,000 each.

Dated at Port Vila this 7th day of June 2018

BY THE COURT


Justice G.A. Andree Wiltens

