

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

Matrimonial
Case No. 17/2641 SC/MTRM

BETWEEN: Florida Nixon
Petitioner

AND: Simeon Jack Nixon
Respondent

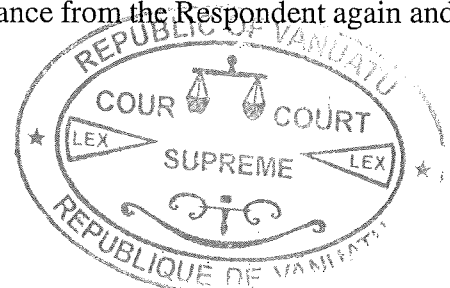
AND: Linda Young
Co-Respondent

Coram: *Justice Aru*

Counsel: *Mr. D. Yawha and Mr. R. Rongo for the Petitioner*
Respondent-no-appearance

JUDGMENT

1. This matter was listed for trial today. The only remaining issue for the trial is the dispute over a property lease title No. 11/OF33/170 (the Property). Currently it is unregistered but the parties have been making payments towards it and have built their home on the Property.
2. The respondent was not in Court today and counsel representing him was not in Court as well and no reasons were given for their absence.
3. Mr. Yawha informed the Court that he objected to any further adjournments and intends to proceed with the hearing. He submitted that there has been so much time allowed in the past for the parties to try and settle their differences without success as they preferred the matter to be heard.
4. He submitted that the trial has also been adjourned several times. At a conference on 4 June 2019 the trial was listed for 1 July 2019.
5. On the 1st of July the trial was adjourned and relisted for 26 August 2019. On the 26th the trial was again adjourned as there was no appearance from the Respondent. The trial was relisted for today. This morning there was no appearance from the Respondent again and no reasons were given for their absence.



6. Mr. Yawha made an oral application that I exercise my discretion under Rule 12.9 (1) (b) and give judgment in favour of the Petitioner for the reasons given above. He amended the relief sought for the property to be held in trust by the parties for the children namely: Ansly Muliaki Nixon and Betina Nixon. Further that the Petitioner continue to reside on the property to maintain and look after the children.
7. Given that there has clearly been a number of adjournments of the trial and no reasons were given for the respondent's non-attendance today, I enter judgment for the petitioner. Accordingly the following orders are now issued:-

Orders

- (1) That the property lease title No. 11/OF33/171 as matrimonial property will be held in trust by both the petitioner and the respondent for Ansly Muliaki Nixon and Betina Nixon.
- (2) The Petitioner will continue to reside on the property and to maintain and look after the children.
- (3) Costs to be agreed or taxed.

DATED at Port Vila this 6th day of September, 2019

BY THE COURT

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D. Aru
Judge

