



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

**Civil  
Case No. 18/761 SC/CIVL**

**BETWEEN: Tom Simon**  
**Applicant**

**AND: Eric Ake Yakeula**  
**Respondent**

*Date of HEARING: 26th day of April, 2019 at 11:00 AM*  
*Date of Decision: 29<sup>th</sup> April 2019*  
*Before: Justice Oliver Saksak*  
*In Attendance: Justin Ngwele and Jona Mesau for Applicant*  
*Daniel Yawha for Respondent*

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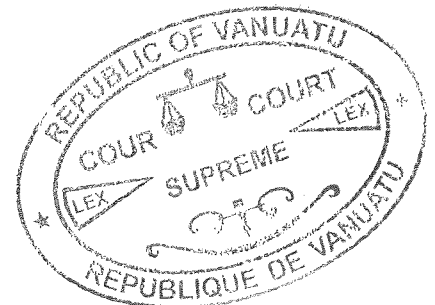
**DECISION**

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1. The application by the applicant to have the respondent's letters of administration revoked is hereby dismissed with costs.

**Reasons**

2. This is the second application made by the applicant. The first was made in December 2016 and was dismissed on 7<sup>th</sup> June 2017.
3. This application is the second attempt and is misconceived and is an abuse of process. This matter is now res judicata.
4. The applicant has come to Court with unclean hands. There is pending a Civil claim against the applicant for damages. This claim has not yet been determined; therefore it is improper for the applicant to put the wheel before the horse in this case.
5. These reasons are sufficient to dispose of the application.

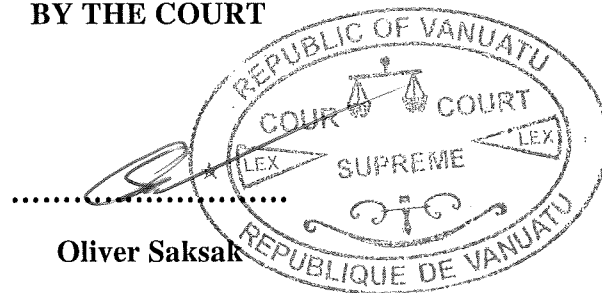


6. The formal orders are therefore-

- a) The application is dismissed.
- b) The applicant will pay the respondent's costs on an indemnity basis as agreed or be taxed by the Master.

**DATED at Port Vila this 29<sup>th</sup> day of April, 2019**

**BY THE COURT**



**Oliver Saksak**

**Judge**