

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

Civil
Case No. 20/3485 SC/CIVL

BETWEEN: Lopez Adams
Claimant

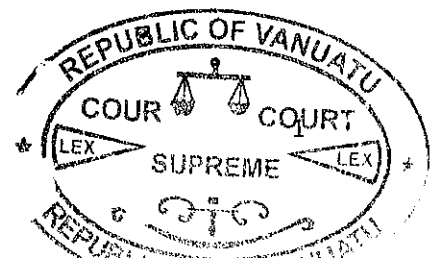
AND: Republic of Vanuatu
First Defendant

AND: George Boar
Second Defendant

Date of Hearing: 26 July 2022
Before: Justice V.M. Trief
In Attendance: Claimant – Mr N. Morrison
First Defendant – Ms J.E. Toa
Second Defendant – no appearance (in person)
Date of Decision: 26 July 2022

JUDGMENT

1. By the Amended Claim filed on 8 October 2021, the Claimant Lopez Adams sought the return of his moneys paid (the 'Claim'). Half of the money is in the Chief Registrar's Trust Account hence the State is named as First Defendant. The other half was sought from the Second Defendant George Boar.
2. By Sworn statement filed 16 May 2022, Mr Boar deposed at para. 14 that he accepted to reimburse the Claimant VT985,000 only as VT2,515,000 can be gotten from the Chief Registrar's Trust Account.
3. In the circumstances, Mr Boar does not have any prospect of defending the Claim.
4. I accordingly **granted** the Claimant's Application for Summary Judgment, entered judgment for the Claimant and ordered as follows:
 - a. The Chief Registrar is to remit VT2,515,000 from the Chief Registrar's Trust Account to Ridgway Blake Lawyers' trust account **by 4pm on 16 August 2022;**



- b. The Second Defendant is to pay the Claimant VT985,000 (the 'judgment sum');
 - c. The Second Defendant is to pay interest on the judgment sum at the rate of 5% per annum from 20 June 2019 (being the date of the Claimant's final payment of moneys to the Second Defendant) until the judgment sum has been paid in full; and
 - d. The Second Defendant is to pay the Claimant's costs of the proceeding fixed at VT100,000 **by 4pm on 26 August 2022.**
5. The listing for 26 October 2022 is **vacated.**

Enforcement

6. Pursuant to rule 14.3(1) of the *Civil Procedure Rules*, I now schedule a Conference **at 7.50am on 25 August 2022** at the Supreme Court Registry and by video link to the Luganville Court House, to ensure the judgment has been executed or for the judgment debtor to explain how it is intended to pay the judgment debt. For that purpose, this judgment must be personally served on the Second Defendant.

**DATED at Port Vila this 26th day of July 2022
BY THE COURT**

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Justice Viran Molisa Trief

