

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

Civil Case No. 22/3027 CVL/Civil

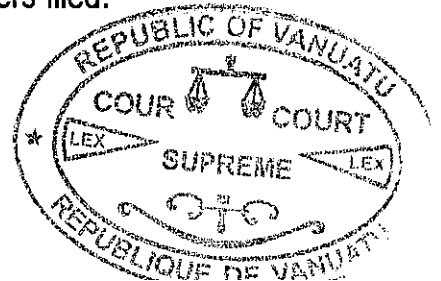
BETWEEN: PACIFIC MANAGEMENT TRUST
LIMITED
Port Vila
Vanuatu
Claimant

AND: MANSALE LAU, PAKO LAU AND
TAVAKA MANSALE
Defendants

Date: 28th October 2022
Before: Justice S.M. Harrop
Distribution to: Ms J. Kaukare for the Claimant

Judgment on urgent application for restraining orders

1. This proceeding, filed late afternoon on 26 October, has been referred to me. It is a claim for damages for trespass and seeks an order to restrain the defendants and others from contacting the applicant/claimant. A sworn statement of Oliver Weber has been filed in support.
2. There is an urgent application for those restraining orders to be made, by implication without reference to the defendants (it is not labelled as an ex parte application). An undertaking as to damages has been filed. There are supporting sworn statements from Mr Weber and Ms Kaukare.
3. I decline to deal with this matter on an urgent basis and without input from the respondent/defendants.
4. There are a number of defects or inadequacies in the papers filed.



5. The purported registered company certificate from the Vanuatu Financial Service Commission does not relate to the applicant but instead to a different entity, the VMGD -TAMATE Land Project Association Committee (Inc).
6. The purportedly attached copy of the leasehold title 12/0544/006 is not attached; there are several documents attached relating to that title but not the title itself, so there is no proof that the applicant/claimant is the registered proprietor and that those documents were registered.
7. The claim and supporting statements make no reference to the particular times at which the alleged conduct by the defendants occurred, so it cannot be determined whether or not this is truly urgent.
8. The sworn statements purporting to establish urgency contain merely self-serving assertions that the orders should be made, without providing evidence why.
9. The application for urgent restraining orders is therefore dismissed.
10. I direct that the claimant serve the claim and all of the papers it has filed, together with a copy of this Minute, on the defendants together with the usual response form. The case will then be dealt with in the ordinary manner.

Dated at Port Vila this 28th day of October 2022

BY THE COURT



Justice S.M. Harrop

