

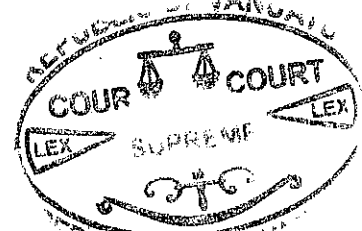
BETWEEN: JOHNNA TAO
Claimant

AND: ASNETTE KALMER
Defendant

Date of Hearing: 9th October 2023
Before: Acting Chief Justice
In Attendance: Mr Roger Rongo for the Claimant
No appearance for the Defendant

JUDGMENT BY DEFAULT

1. This is a judgment by default entered by the Court in favour of the claimant pursuant to his claim filed on 22nd June 2023.
2. The claim was served on the defendant on 27th June 2023 by the claimant himself who has deposed to a sworn statement filed also on the same date.
3. Despite service the defendant has not filed any response or defence within 14 and 28 days as required by the Civil Procedure Rules.
4. The claimant therefore filed a request for default judgment on 6th October 2023.
5. The claimant claims that on 2nd March 2020 he entered into a Sale and Purchase Agreement with the defendant concerning a piece of land at Club Hippique known as Etenmap for the sum of VT 2,500,000. A copy of the agreement is annexed as "JT2".
6. It was a condition of the agreement that the defendant as lessor "**shall allow the purchaser (claimant) to enter the land at Club Hippique and reside on the land and build houses and do businesses**".
7. The claimant claims also that he had paid VT 2,500,000 to the defendant on 2nd March 2020. A copy of the receipt is annexed as "JT1".



8. Despite payment, the defendant has not complied with her obligations under the agreement to allow the claimant onto the said land and to cause a lease to be registered in favour of the claimant.
9. The claimant seeks judgment by default not in monetary damages but specific performance of the agreement including the restraining orders sought in the reliefs to his Supreme Court Claim.
10. The claimant is entitled to judgment. The defendant has no defence. The claimant is entitled to orders for specific performance and the orders sought in the reliefs of his claims in particular that-
 - a) The defendant and her family members, relatives, friends, agents and representatives be hereby prohibited from entering the land at Entenmap at Club Hippique which has been bought by the claimant.
 - b) The defendant, her family members, relatives, friends, agents and representatives be hereby restrained from disturbing or interfering in any manner whatsoever the claimant and his servants and workmen who are currently on Entenmap land.
 - c) The defendant, his family members, relatives, friends, agents and representatives be permanently prohibited from going anywhere within 100 meters of the claimant's land at Etil area.
 - d) The claimant and his servants and workmen be hereby authorized to enter on land at Etenmap area to work without any interferences from the defendant, his family members, relatives, friends, agents or representatives.
 - e) The claimant is entitled to his costs of the proceeding on the standard basis as agreed or taxed.

**DATED at Port Vila this 9th day of October 2023
BY THE COURT**


Hon. OLIVER A SAKSAN
Acting Chief Justice

