

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

Civil
Case No. 20/2656 SC/CIVL

BETWEEN: Victor Moltures

Claimant

AND: Bule Packette, Livo Liniuse, Johane Lawac, Tavoue Meakey, Carolyn Atchkam, Simon Lorin, Soda Vepelov, Lapto Peto, Trief Atchkam, Kenneth Joseph, Malacky Kuku, Malacky Moses, Tom Louis, Keny Wasy, Obed Bruno, Pakoa, Rocklif Mala, Noeline Packet, Ray Packet, George Wora, Bernard Vira, Pio Tevikokone, Bertrand Tura, Steven Boe, Johnsen Garae, Fred Bulurave, Ebrahim Bulurave, Eron Bulurave, John Vira, Joseph Bulurave, Jeffrey Bulurave, Sakaraw Bulurave, Welsin Roy, Roy Navock, Tomsen Bulurave, Edmond Bulurave, Nelson Bulurave, Rolland Tura, Alfoncine Jeannot, Sergio Koroka, Eliane Koroka, James Koroka, Marco Tamata, Ismael Jimmy, Olivier Jack, Fred John, Brain Boe, Willie Boetevul, Belinda Farel, Martin Farel Bruno Farel, August Farel, Justin Farel, Sandyna Fasel, Sandyna Fasel, Richard Willie, Marco Tao, Votala Toa and Langdo Guillaume

Defendants

Before:

Justice Aru

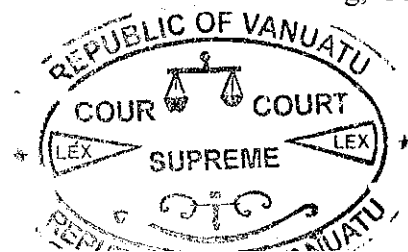
Counsel:

Mr. A. Godden for the Claimant

Mr. E. Molbaleh for the Defendants/Applicants no-appearance

MINUTE/ORDER

1. Mr Molbaleh had written several letters to the Registry requesting the Court to re-list this matter to hear his application for leave to appeal. The matter was listed for this afternoon and both Counsels were informed. Some minutes before the scheduled timing, Mr.



Molbaleh informed the Registry by phone that he will not be attending due to illness. No medical report was provided nor was Mr Godden informed.

2. Mr. Godden was in attendance and informed the Court that he had written to Mr Molbaleh earlier in response to Mr Molbaleh's letter of 13 April 2023 that the matter had been given finality by the decision of the Court of Appeal in Civil Appeal Case 22/2511 *Nelson Bulurave & Ors v Taftumol Family*.
3. The Court of Appeal dismissed the appellants appeal noting that the Enforcement Warrant is spent and both Counsels accepted that the appeal was academic as it was *pointless to pursue it any further*.
4. Referring to the Court of Appeal Minute of 3 November 2022 and the decision of the Court dated 17th February 2023, there is nothing pending that could revive the matter.

ORDERS

- (a) The application for leave to appeal is therefore dismissed accordingly.
- (b) The File is now closed.

DATED at Port Vila this 12th day of June, 2023

BY THE COURT

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D. Aru
Judge

