

**BETWEEN:** **Yvonne Bob**  
**Claimant**

**AND:** **Nathaniel Richard**  
**Defendant**

**Before:** **Hon. Chief Justice Vincent Lunabek**

**Counsel:** **Ms Vola Matas for the Claimant**  
**Defendant – not present**

**Date of Decision:** **11 June 2024**

---

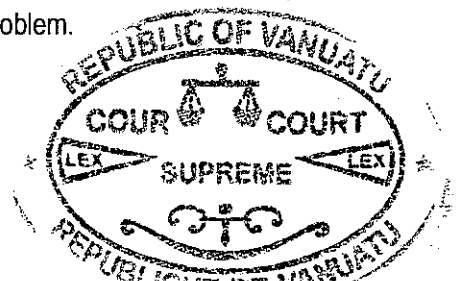
## JUDGMENT

---

1. This claim is for damages for injuries sustained as a result of the assault on the body of the claimant by the defendant, Mr Nathaniel Richard, sometime in June 2010.
2. The claimant claims:
  - (a) An order that the defendant compensate the claimant's injuries for a sum of One Million and Seven Hundred and Fifty Two Thousand Vatu (VT1,752,000) for special and general damages;
  - (b) Interest; and
  - (c) Costs.
3. The claimant filed sworn statements on 30 April 2013 and 9 September 2014 in support of the claim.
4. The defendant was previously represented by Mr Edmond Toka until his Notice of Ceasing to Act for the defendant filed 27 April 2020.
5. The defendant filed a defence and counter-claim.
6. The defendant filed an Amended Defence and admitted the assault on the body of the claimant and the injuries sustained by the claimant.



7. The defendant, however, disputed the amount of damage claimed as excessive. He filed a sworn statement in support of his defence on 2 October 2014. Mr Karlrongo Roro and Ms Katie Joseph filed each a sworn statement in support of the counter-claim on the 2<sup>nd</sup> and 4<sup>th</sup> July 2014.
8. The defendant's counter-claim was struck out by the Court on 9 September 2014.
9. It is the understanding that this case will be heard and resolved without cross-examination of the claimant and witnesses and/or defendant and witnesses.
10. The other aspects of the defence facts are whether or not the testimonies of the defence witnesses Karlrongo Roro and Katie Joseph are relevant for the claim. The sworn statements of Kalrongo Roro and Katie Joseph are only relevant to the counter-claim which was already struck out on 9 September 2014.
11. The issue before the Court is not whether the claimant is entitled to an award of damages. The issue is how much?
12. The Court determines this issue on the papers without hearing parties.
13. The sworn statements of the claimant (Yvonne Bob) provides the facts of the injuries and the damages claimed.
14. The claimant and the defendant lived in a defacto relationship as husband and wife from 2001 to 2011. They had three (3) children from that relationship.
15. Throughout their relationship, she was constantly facing domestic violence. The defendant assaulted her regularly but she never reported him because she thought he will change his violent behaviours, but he had never changed.
16. In 2004, the claimant had worked for Vanuatu Abattoirs Limited until March 2011. She worked as a meat slicer. She was satisfied with her salary as a slicer.
17. On 28<sup>th</sup> June 2010, the defendant had seriously assaulted the claimant through the claimant's left hand and in particular the claimant's ring finger was seriously injured. She went through treatment at the Vila Central Hospital.
18. She had used her left hand to work with. After she had injuries on her left hand on 28 June 2010, she could no longer do her work as a meat slicer because it was painful when she tried to use her left hand to slice meat. This affected adversely her work and the performance of her work was severally affected. Mr Charlot Nawen, the Production Supervisor at the Abattoir Ltd. provided a letter on 1<sup>st</sup> November 2011 in support of the claimant's situation (YB1). The letter said in effect that from the time Yvonne was injured at home, her work dropped. Her salary dropped too as she was on hourly rate and because she took many days off due to assault caused by her defacto. Yvonne should have lost her job as this is a personal problem.



19. She was no longer working as a slicer but she was moved and worked as a security assistant at the gate of Vanuatu Abattoirs Limited and she was paid on hourly basis. She attached her salary slips (YB2(a) – YB2(s)). The Claimant's wage varied from VT12,694 to VT20,090 depending on the number of hours worked.
20. In March 2011, the claimant resigned from her work because the injury on her left hand was such that she could no longer do the work required of her to do.
21. The injury she sustained on her left finger was such that her left finger was broke but it could not move any longer. Exhibit YB3 attached to her sworn statement exhibited a final medical report by Dr Joe Warsal of 25<sup>th</sup> August 2011. The Medical Report established that the claimant completed her treatment, but she now complains of pain on her finder, during prolonged washing of the clothes, and other heavy work, as that hand is her dominion hand. The claimant cannot plant food in her garden, or cut the firewood, as he 4<sup>th</sup> metacarpal shaft aches and gets swollen when she does heavy work.
22. The claimant suffered injury in her fourth metacarpal. It is feasible therefore that the claimant will continue to suffer from the injury sustained from the incident of 28<sup>th</sup> June 2010.
23. The claimant said she is entitled to claim the following head of damages and calculations:

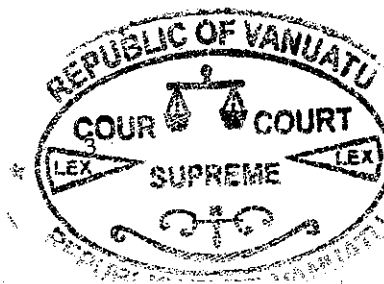
General Damages

- Pain and suffering – VT1,000,000;
- Loss of amenity – VT400,000;
- Shock and sequel – VT300,000;

Special Damages

- Transportation – VT10,000;
- Loss of Employment salary for the month of July 2010 – VT42,000;

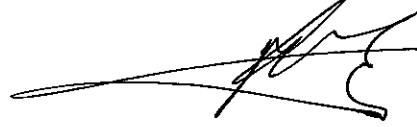
24. The claimant claims for an order that the defendant compensates her injuries for a sum of One Million and Seven Hundred and Fifty Two Thousand VT1,752,000) for general and special damages, interest and costs.
25. The only issue is whether the sum of VT1,752,000 was excessive.
26. The defence filed sworn statements. There is nothing in the defence sworn statements that shows that the sum of compensation or damages claimed by the claimant was excessive.
27. The court is satisfied and accepts the quantum of damages and calculations proposed by the claimant. The court gives judgment for the claimant against the defendant as follows:



- (a) An order that the defendant compensates the claimant's injuries for a sum of One Million and Seven Hundred and Fifty Two Thousand Vatu (VT1,752,000) for general and special damages, is granted;
- (b) Interests of 5% per annum from the date of filing of the claim (i.e., 30 April 2013) to the date of payment of the judgment sum, is granted;
- (c) The defendant shall pay the costs of the claimant as agreed or determined.

**Dated at Port Vila, this 11<sup>th</sup> day of June, 2024.**

**BY THE COURT**

  
.....  
Hon. Chief Justice Vincent Lunabet

