

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

Civil
Case No. 23/3140 SC/CIVL

BETWEEN: Sino-Van Fisheries Limited
Claimant

AND: Tony Kanegai
First Defendant

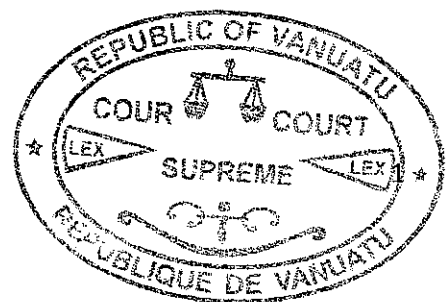
AND: Paul Kawas, Titus Kawas, John Fano,
Moses Nakia, Apetnicho, Job, Eric,
Fred, Amos, Josline, Dick, Charlie and
Family
Second Defendants

Date: 2 September 2024
Before: Justice V.M. Trief
Counsel: Claimant – Mr W. Kapalu
Second Defendants – Mr E. Nalyal

JUDGMENT

A. Introduction

1. The Claimant Sino-Van Fisheries Limited filed the Claim on 16 November 2023 seeking an order for the eviction of the Second Defendants Paul Kawas, Titus Kawas, John Fano, Moses Nakia, Apetnicho, Job, Eric, Fred, Amos, Josline, Dick, Charlie and Family from leasehold title no. 12/0633/1081A located on Efate island.
2. The Claim was discontinued against the First Defendant Tony Kanegai by notice dated 19 March 2024.
3. Despite opportunity given, no defence has been filed for the Second Defendants. This matter proceeded to formal proof of the Claim.



B. Consideration

4. Junwei Zhang produced in evidence a copy of the Claimant's sublease of leasehold title no. 12/0633/1081A registered on 3 September 2010 [Sworn statement of Junwei Zhang filed on 23 August 2024 – **Attachment "JZ2"**].
5. He also deposed that the Second Defendant are occupying the leased land to date despite demands to vacate.
6. There is clear evidence of the Claimant's legal entitlement to the land. It is the registered sublessee of leasehold title no. 12/0633/1081A.
7. The Second Defendants occupy the land, and despite being given eviction notices, have not vacated the property.
8. The Claimant has proved the Claim and is entitled to the relief sought.

C. Result and Decision

9. Judgment is entered for the Claimant and it is ordered as follows:
 - a) The Second Defendants, their families and/or agents are to vacate leasehold title no. 12/0633/1081A, including removing their houses, fencing, personal properties and garden crops leaving the land vacant, **within 3 months from the date of service of this Judgment**;
 - b) The Second Defendants, their families and/or agents are not to re-enter onto the Claimant's leased land leasehold title no. 12/0633/1081A; and
 - c) The Claimant is entitled to the costs of the proceeding fixed summarily at VT70,000 to be paid within 28 days of service of this Judgment on the Second Defendants.

D. Enforcement

10. Pursuant to rule 14.37(3) of the *Civil Procedure Rules* ('CPR'), I now schedule an Enforcement Conference **at 1.10pm on 2 December 2024** to ensure the judgment has been executed or for the Second Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment and a summons in Form 27 of the CPR must be personally served on each Second Defendant, and proof of service filed.

**DATED at Port Vila this 2nd day of September 2024
BY THE COURT**


Justice Viran Molisa Trief

