

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

Civil
Case No. 23/2193 SC/CIVL

BETWEEN: Ifira Land Corporation Limited

Claimant

**AND: Pastor Job Charley, Samuel Job,
Bebela Job, Jackop Job, Jonah Asoul,
Moses Naliu, Paul Bule, Marie-Marie
Michelle & Tom Naliu**

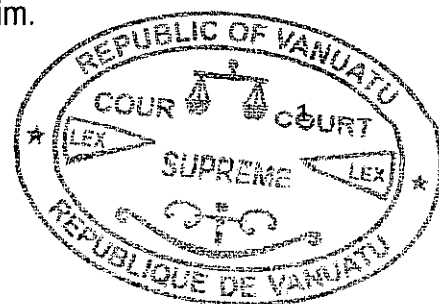
Defendants

Date of Hearing: 16 October 2024
Before: Justice V.M. Trief
In Attendance: Claimant – Mr S. Kalsakau
Defendants – no appearance (in person)
Date of Decision: 18 October 2024

JUDGMENT

A. Introduction

1. The Claimant Ifira Land Corporation Limited ('ILCL') filed the Claim on 18 August 2023 seeking an order for the eviction of the Defendants Pastor Job Charley, Samuel Job, Bebela Job, Jackop Job, Jonah Asoul, Moses Naliu, Paul Bule, Marie-Marie Michelle and Tom Naliu from from leasehold title no. 12/0642/005 located at Teouma Bush area on Efate island.
2. Despite opportunity given, the Defendants have not filed a defence. The Defendants were served the Orders giving notice of today's hearing. No one appeared for the Defendants. This matter proceeded to formal proof of the Claim.

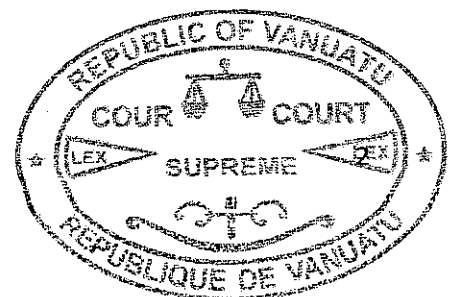


B. Consideration

3. Christian Kaltabang produced in evidence a copy of the lease title no. 12/0642/005 and a copy of the transfer of that lease to ILCL, registered on 3 December 2012 [Sworn statement of Christian Kaltabang filed on 6 May 2024 – **Attachment “CK1”**].
4. He also deposed that the Defendants are occupying the leased land to date despite ILCL’s notices to vacate [Sworn statement of Christian Kaltabang filed on 6 May 2024 – **Attachment “CK2”**].
5. Further, that ILCL has been informed by the Defendants themselves that Mr Thomas Tau instructed them to continue to occupy the leased land and resist ILCL’s efforts to remove them. Mr Tau commenced Civil Case No. 21/1929 seeking to have a number of leases, including the present lease, cancelled. On 6 July 2023, the Supreme Court struck out Mr Tau’s claim in CC 21/1929 holding that he had no standing [Sworn statement of Christian Kaltabang filed on 6 May 2024 – **Attachment “CK3”**]. There is no basis therefore for the Defendants to occupy the land on Mr Tau’s instructions.
6. There is clear evidence of ILCL’s legal entitlement to the land. It is the registered lessee of leasehold title no. 12/0642/005.
7. The Defendants occupy the land, and despite being given eviction notices, have not vacated the property.
8. ILCL has proved the Claim and is entitled to the relief sought.

C. Result and Decision

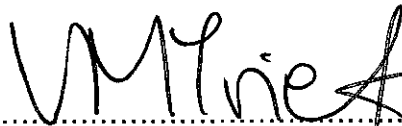
9. Judgment is entered for the Claimant and it is ordered as follows:
 - a) The Defendants, their families and/or agents are to vacate leasehold title no. 12/0642/005, including removing their houses, fencing, personal properties and garden crops leaving the land vacant, **within 3 months from the date of service of this Judgment**;
 - b) The Defendants, their families and/or agents are permanently restrained from re-entering onto the Claimant’s leased land leasehold title no. 12/0642/005; and
 - c) The Defendants jointly and severally are to pay the Claimant costs fixed summarily at VT250,000, to be paid within 28 days of service of this Judgment on the Defendants.



D. Enforcement

10. Pursuant to rule 14.37(3) of the *Civil Procedure Rules* ('CPR'), I now schedule an Enforcement Conference at 1pm on 30 January 2025 to ensure the judgment has been executed or for the 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 Defendant, and proof of service filed.

DATED at Port Vila this 18th day of October 2024
BY THE COURT



Justice Viran Molisa Trief

