

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

Civil  
Case No. 23/2740 SC/CIVL

**BETWEEN:** Roslyn Aru Duvu  
Claimant

**AND:** Oliveson Gaua  
Defendant

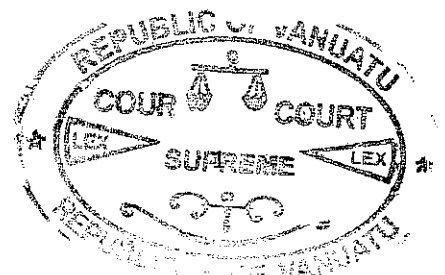
*Date:* 16 April 2024  
*Before:* Justice V.M. Trief  
*Counsel:* Claimant – Mr R. Willie  
Defendant – Ms B. Taleo

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**DECISION AS TO CLAIMANT'S URGENT APPLICATION FOR RESTRAINING ORDER  
FOR SALE OR TRANSFER OF LEASE TITLE NO. 03/OH62/005**

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1. On 11 October 2023, the Claimant filed Claim, Sworn statement of Roselyn Aru Duvu, Urgent Application for Restraining Order for Sale or Transfer of Lease title no. 03/OH62/005 (the 'Application'), Sworn statement of Roselyn Aru Duvu in support of the Application, Undertaking as to Damages and Sworn statement of Urgency.
2. Despite the opportunity given in the Orders dated 2 November 2023 and 28 March 2024, no submissions or opposition has been filed in response to the Application.
3. I now determine the Application.
4. The Claim filed by the Claimant Roslyn Aru Duvu appears to be in her capacity as administrator of her late husband's estate, seeking payment of monies owed to her late husband as well as damages in relation to breach of an agreement with the Defendant Oliveson Gaua. One of the orders sought in the Claim is that lease title



no. 03/OH62/005 be seized and sold in the event that Mrs Gaua cannot pay any money order made in this matter.

5. By the Defence filed on 20 March 2024, it is accepted that Mrs Gaua owes Mrs Duvu VT5,000,000 and that Mrs Gaua and her son are in the process of selling one of their properties and will pay the amount owed from the proceeds of that sale. I am satisfied that Mrs Duvu has a serious question to be tried and that if the evidence brought by her remains as it is, she is likely to succeed: rule 7.5(3)(a) of the *Civil Procedure Rules* (the 'CPR').
6. I am also satisfied that lease title no. 03/OH62/005 is part of the subject matter of this proceeding and that its sale or transfer before the determination of the Claim would undermine the proceedings. Accordingly, I am satisfied that Mrs Duvu would be seriously disadvantaged if the orders sought were not made: rule 7.5(3)(b) of the CPR.
7. For the reasons given, the Application is **granted** and it is ordered as follows pending the determination of the Claim or until further Order of the Court:
  - a. The Defendant, her agents, friends and associates are **restrained** from selling or transferring lease title no. 03/OH62/005 from the Defendant to another person.
8. The costs of the Application are reserved.

**DATED at Port Vila this 16<sup>th</sup> day of April 2024  
BY THE COURT**

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Justice Viran Molisa Trief

