

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Civil Jurisdiction)

Civil

Case No. 25/644 SC/CIVL

**BETWEEN: Family Lankos and Eyeth
represented by Mathew Warsal**

Claimant

**AND: Sylvain Yersel, Ela Yersel, James
Yersel, Amy Yersel, Jasmine Yersel,
Christopher Yersel, Jean Viane
Yersel**

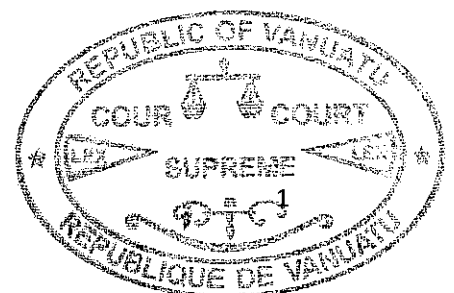
Defendants

Date: 16 October 2025
Before: Justice V.M. Trief
Counsel: Claimant – Mr L. Tevi
Defendants – in person

JUDGMENT

A. Introduction

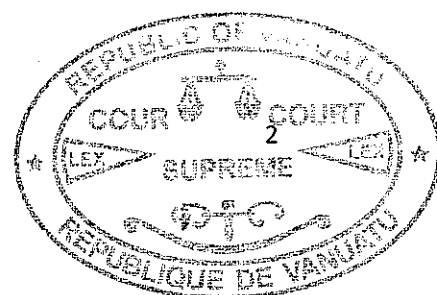
1. The Claimant Family Lankos and Eyeth represented by Mathew Warsal filed the Claim on 24 March 2025 seeking an order for the eviction of the Defendants Sylvain Yersel, Ela Yersel, James Yersel, Amy Yersel, Jasmine Yersel, Christopher Yersel and Jean Viane Yersel from the Claimant's custom land of the North part of Lavthamasigon custom land on East Santo island.



2. On 21 July 2024, the Claimant filed the Sworn statement of Mathew Warsal in support of the Claim.
3. Despite opportunity given, the Defendants have not filed a defence.
4. The Defendant Jasmin Yersel was served the Orders dated 1 July 2025 giving notice of the hearing for formal proof of the Claim on 28 August 2025.
5. No one appeared for the Defendants at the hearing on 28 August 2025. This matter proceeded to formal proof of the Claim. Having heard Mr Tevi as to formal proof of the Claim, I asked a number of questions as to the representation of the Claimant family and whether or not there was a notice to vacate in the evidence. Mr Tevi sought leave to file further evidence. I granted the leave sought. I directed that the Claimant was to file further sworn statements in support of the Claim, and serve them together with that day's Minute and Orders, and file proof of service by 4pm on 11 September 2025. I also directed the Defendants to file and serve sworn statements, for the Claimant's in reply and that the Court would issue its decision on the papers after that.
6. On 10 September 2025, the Claimant filed the Sworn statement of Simou Hou.
7. However, the Claimant has not complied with the Minute and Orders dated 28 August 2025 by serving those Minute and Orders on each Defendant, and filing proof of service, by 5pm on 11 September 2025 or since.
8. No extension of time has been sought to do so.
9. I now determine the Claim.

B. Consideration

10. The Claimant is alleging that on 13 October 2005 they were declared as landowners of the North part of Lavthamasigon custom land and on 7 October 2012, they were issued a Certificate of Recorded Interest in Land (colloquially known as a 'green certificate').
11. Mr Warsal attached a copy of the East Santo Aelan Lan Tribunal decision dated 13 October 2005 to prove that Family Lankos and Eyeth are the declared custom owners of the North part of Lavthamasigon custom land [Sworn statement of Mathew Warsal filed on 21 July 2025 – **Attachment "MW1"**].
12. He also attached a copy of the green certificate dated 7 September 2015 recording that Vuster Dame, Okome & Alguet, & Lankos & Eyeth, represented by Vuster Dame, Okome & Alguet, & Lankos & Eyeth, have an interest in Lavthamasigon custom land



pursuant to the declaration by the East Santo Island Lands Tribunal dated 13 October 2005 [Sworn statement of Mathew Warsal filed on 21 July 2025 – **Attachment “MW2”**].

13. The green certificate dated 7 September 2015 (not 7 October 2012 as alleged) records that Lankos and Eyeth have an interest in Lavthamasigon custom land pursuant to the declaration by the East Santo Island Lands Tribunal dated 13 October 2005. However, a green certificate also records the names of the persons who are authorised to represent the declared landowners. The authorised representatives in the present matter according to the green certificate are Vuster Dame, Okome & Alguet, & Lankos & Eyeth.
14. The present Claimant is entitled, “Family Lankos and Eyeth represented by Mathew Warsal.” Mathew Warsal’s evidence is that the families have authorised him to represent them and to give evidence on their behalf in the present matter. However, Mr Warsal is not an authorised representative in the green certificate dated 7 September 2015. I therefore consider that he does not have the authority to bring the Claim on behalf of Lankos and Eyeth, the landowners declared by the East Santo Island Lands Tribunal decision dated 13 October 2005.
15. It is also alleged in the Claim that the Claimant has given notices to the Defendants to vacate the land. However, there is no notice to vacate in evidence.
16. For the reasons given, the Claimant has failed to prove the Claim on the balance of probabilities.

C. Result and Decision

17. The Claim is **dismissed**.
18. Costs must lie where they fall.

DATED at Port Vila this 16th day of October, 2025
BY THE COURT


Justice Viran Molisa Trief

