

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

Election Petition
Case No. 25/228 SC/ELTP

BETWEEN: TENSLY BULEURU
Petitioner

AND: THE ELECTORAL OFFICE
First Respondent

AND: BLAISE SUMTOH
Second Respondent

AND: CHARLOT SALWAI
Third Respondent

AND: MATY PHEN LANGE
Fourth Respondent

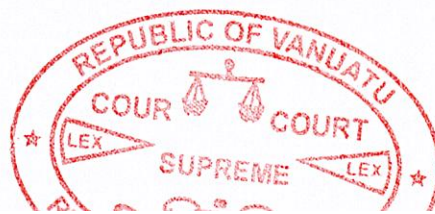
AND: MARC MUELSUL
Fifth Respondent

Before: *Hon. Chief Justice Vincent Lunabek*

In Attendance: *Mr Kent T. Tari for the Petitioner*
Ms Jelinda T. Tari and Mr T. Loughman for the First Respondent
Second Respondent – not present and not represented
Third Respondent – not present and not represented
Fourth Respondent – not present and not represented
Fifth Respondent – not present and not represented

STRIKING OUT ORDER

1. This is an Election Petition. It was filed on 19 February 2025. The sworn statements filed in support of the Petition were also filed on 19 February 2025.
2. The deposit fees of Vatu 200,000 were paid into two parts. The first part payment of the deposit fees (of VT20, 000) was paid on 19 February 2025. The second part payment of the deposit fees (of 180,000) was paid on 28 February 2025.



3. The Petition was listed for a first hearing on Tuesday 4th March 2025 at 2.30 pm in accordance with Rule 2.6 of the Election Petition Rules (EPR) – Order No. 29 of 2003.
4. The background of the relevant provisions of the Electoral Act No.16 of 2023 and the status of the Election Petitions Rules (EPR) are set out in the Election Petition Case No 248 of 2025 in Re Vanessa Molisa's case. There is no need to repeat them here.
5. Relevantly, the final results of the Election to which the Petition relates, were published in the gazette on 29 January 2025. This Petition and sworn statements in support were filed on 19 February 2025. The Petition was presented on 19 February 2025.
6. However, the deposit fees were fully paid on 28 February 2025.
7. Sections 89 (1) and 90 (1) (3) are the relevant prohibitions of the Electoral Act. They provide as follows:-

“89 Petition only valid if deposit made

- (1) *The presentation of an election petition is not valid unless the person presenting the petition lodges with the Supreme Court a deposit of VT200,000 as security for costs within the time period referred to in section 90 for the presentation of the petition.*

90 time for presentation of petition

- (1) *Subject to subsection (2), an election petition, must be presented within 21 days after the publication in the Gazette of the final results of the election to which the petition relates.*
- (2) *If a petition alleges a specific payment of money or other reward after an election by or on the account of a person whose election is disputed, the petition may be presented within 21 days after the alleged payment.”*
- (3) *The time limit referred to in subsections (1) and (2) must not be extended.”*

8. The total payment of the deposit fees on 28 February 2025 was not within the time period referred to in section 90 for the presentation of the Petition.
9. In this case, the presentation of the Petition on 19 February 2025 is not valid. The Petition has to be struck out.
10. The Court makes the following **ORDERS**: -



- a) This Election Petition is struck out;
- b) An order is made for the Registrar of the Supreme Court to remit/refund the deposit fees paid by the Petitioner back to the Petitioner within 30 days from the date of this order.

DATED at Port Vila, this 4th day of March, 2025.

BY THE COURT

Hon. Chief Justice Vincent Lunabek

