

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

**Election Petition
Case No. 25/253 SC/ELTP**

BETWEEN: SIMEON ATHY
Petitioner

AND: THE PRINCIPAL ELECTORAL OFFICER
First Respondent

AND: NORRIS JACK KALMET
Second Respondent

AND: STEVEN FELIX
Third Respondent

AND: FRED SAMUEL
Fourth Respondent

AND: JESSE LUO
Fifth Respondent

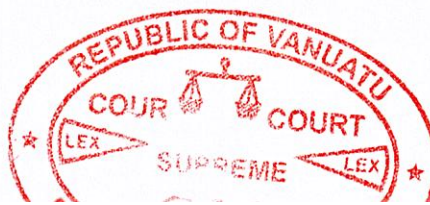
AND: MATAIN KALTABANG
Sixth Respondent

Before: *Hon. Chief Justice Vincent Lunabek*

In Attendance: *Mr Edward I. Nalyal for the Petitioner
Ms Jelinda T. Tari and Mr T. Loughman for the First Respondent
Mr James Tari for the Second Respondent
Third Respondent – not present and not represented
Fourth Respondent – not present and not represented
Fifth Respondent – not present and not represented
Mr Sakiusa Kalsakau for the Sixth Respondent*

STRIKING OUT ORDER

1. This is an Election Petition. It was filed on 20 February 2025. A deposit fee of VT200,000 was paid by the Petitioner. The Petition was listed for a First Hearing on Tuesday 4 March 2025 at 2:30PM o'clock in accordance with Rule 2.6 of the Election Petitions Rules (EPR) of Order No. 29 of 2003.



2. The background of the relevant provisions of the Electoral Act No. 16 of 2023 and the status of the Election Petitions Rules are set out in the Election Petition Case No. 248 of 2025 in re: Vanessa Molisa's case. I do not need to address them again here.
3. Relevantly, the final results of the election to which the Petition relates, were published in the Gazette on 29 January 2025.
4. This Election Petition was presented on 20 February 2025.
5. The final day this Election Petition should be presented was 19 February 2025. This Petition was presented one day outside the statutory time limit provided under Section 90 of the Electoral Act. The time limit cannot be extended (see Section 90(3)).
6. 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

