

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

Civil  
Case No. 24/2508 SC/Civil

**BETWEEN:** Mostick Malachi represented by Robson Maljuron  
*Claimant*

**AND:** Colin Taur  
*Defendant*

**Before:** Justice Oliver A. Saksak

**Counsel:** No appearance for the Claimant  
Camille Taur as spokesman for the Defendant

**Date of Hearing:** 31<sup>st</sup> January 2025

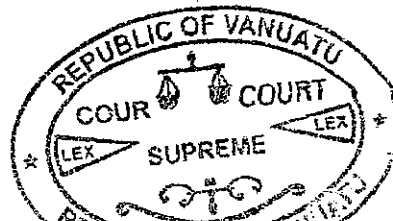
**Date of Judgment:** 4<sup>th</sup> February 2025

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DECISION

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1. By Order dated 21<sup>st</sup> November 2024 this case was made returnable at 9:00am today, 31/1/25.
2. Mr Rongo did not appear although he was present on 21 November 2024. Mr Taur appeared alone on behalf of his father, defendant.
3. Mr Taur was heard in relation to an application to strike out the proceeding filed on 14 November 2024. He handed up some documents to support the grounds for the application. He told the Court he has no lawyer although he did approach the Public Solicitor's Office which advised they could not assist him.
4. He submitted the proceeding should be struck out because the amended claim wrongly names his father as the defendant. He argued that there has never been any dispute between the claimant and Colin Taur as they are the declared custom owners of the land in dispute. He referred and relied on an Agreement signed on 7<sup>th</sup> April 2016 between the three surviving daughters of Mostick Malachi who are Hanifa Shem, Ella Mostick and Erol Yassenmal and Mahlon Nbekrow presenting the family Baipa.
5. Baipa was Colin Taur's father. Malachi was Motick's father. Nbekrow had no children and he adopted Biapa and Malachi together. As such the 2016 Agreement acknowledges that both Baipa and Mostick have joint property rights to Nbekrow's property which includes the coconut plantation at Amelprevwelele and Amelmavir at Rano Island.





6. Mr Taur then referred to the Amended Claim filed on 8<sup>th</sup> October 2024 objecting to it being amended only by deleting Robson Lesnawon as defendant and replacing him with his father Colin Taur, but without amending the body of the claim from paragraphs 3 to 7 to reflect the change of defendant's name. I view that omission or failure as serious neglect of duty by Counsel for the claimant.
7. I have seen and perused the documents produced by Mr Taur and I am of view they substantiate his views and submissions that there is no dispute between Mostick and Colin Taur and that he is wrongly named as the defendant in the case.
8. For this reason I therefore allow the application by the defendant.
9. Accordingly this proceeding is struck out in its entirety.
10. As the defendant does not have a lawyer to assist and present his case, he is not entitled to any costs. There is therefore no order as to costs.
11. That brings this proceeding to its end. The file is to be removed from the system and closed.

**DATED at Port Vila this 4<sup>th</sup> day of February 2025**

**BY THE COURT**

  
**Hon. OLIVER A SAKSAK**

**Judge**

