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IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

(CIVIL)

ENFORCEMENT CASE NO. 853 OF 2025

BETWEEN:

SILVER HOLDIG LIMITED

Applicant

AND

GEORGE BOAR

Respondent

BEFORE: Aurélie TAMSEUL

(Deputy Master).

MADE: 12th day of March, 2026

ENTERED: 12th day of March, 2026

APPEARANCES: Corine Hamer counsel for the Applicant, Respondent self-represented

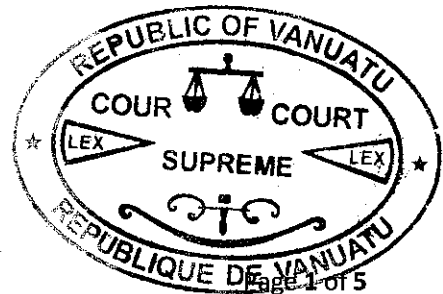
PRESENT: George Boar (Respondent)

DECISION

a. Introduction

1. This matter came up for hearing today of the two Applications filed by the Respondent as follows:
 - (i) Application to suspend Decision of the Deputy Master dated 8th October 2025 pursuant to Civil Procedure **Rules 13.3 (b)** with sworn statement in support; and
 - (ii) Application filed on the 12th February, 2026 to set aside third-party disclosure order date 3rd February, 2026.

2. The decision is as follows.



b. Summary

1. On the 8th October, 2025 this Court issued a decision against the Respondent to pay the costs of VT 212,216 and wasted costs of VT 20,000 and gave time for payment till the next review date being the 12th November, 2025.
2. Upon review on the on the 12th November, 2025 the Applicant filed a memorandum stating that the Respondent has taken no steps to pay the costs amount and the wasted costs.
3. The matter was then listed for Enforcement Conference on the 9th December, 2025. A copy of the order was emailed to the Respondent via email address boarlaw72@gmail.com which put him on notice for the next hearing date.
4. During the said Enforcement Conference, the Applicant made an Oral Application for an Enforcement Order and sought leave to apply for third party disclosures given the Respondent history of non-attendances to hearings to progress the matter.
5. The leave was granted and counsel was required to file the written Application and sworn and upon satisfaction that counsel has complied with the regulatory service requirements, the Application for third party disclosure will be placed before the Judge for consideration. The Application for third party disclosure and Enforcement were filed on the 11th December, 2025 and 12th December, 2025 respectively. The disclosure Order was signed on the 3rd February, 2026.

c. The Law

Filing of order¹

13.3 (1) *If a judge or magistrate writes the terms of an order on a file or on a document in a file, then until the order is filed the writing is sufficient proof that the order was made and of its date and terms.*

(2) In subrule (1), "filed" means written in a separate document, signed by the judge or magistrate and sealed.

[NOTE: For enforcement of judgments see [Part 14.](#)]

Procedure after judgment for claimant - money orders²

14.3 (1) *Immediately after giving a judgment that includes a money order, the court must ask the enforcement debtor how he or she proposes to pay the money and must either:*

- (a) make an enforcement order for the payment of the judgment debt; or*
- (b) fix a date for an enforcement conference to examine the enforcement debtor about how he or she proposes to pay the amount of the judgment debt.*

¹ *Civil Procedure Rules 2002*

² *Civil Procedure Rules 2002*

(c) bring with him or her sufficient documents to enable him or her to give a fair and accurate picture of his or her financial circumstances.

(3) If the enforcement debtor is not present, the court must:

(a) fix a date for an enforcement conference; and

(b) issue a summons in Form 24 against the enforcement debtor requiring the enforcement debtor to:

(i) come to court on the date fixed for the enforcement conference; and

(ii) bring with him or her sufficient documents to enable him or her to give a fair and accurate picture of his or her financial circumstances.

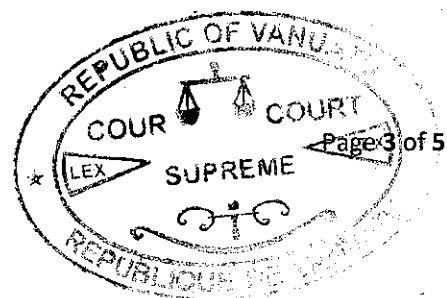
d. **Discussion**

Civil Procedure Rules 13.3 (b)

6. The Respondent argued that he filed the Application to suspend the decision of the Deputy Master dated 8th October 2025 pursuant to **Civil Procedure Rules 13.3 (b)**.
7. The Respondent argued that the said Application was filed on the ground that he has filed an Appeal against the Deputy Master's decision dated 8th October, 2025 and that the Court must immediately suspend the enforcement actions pending the Appeal.
8. Mr. Boar was asked to direct the Court's attention to the said **Civil Procedure Rule 13.3 (b)**, but he was unable to do so as **Rule 13.3 (b)** is non-existent in the **Civil Procedure Rules 2002**.
9. Mr. Boar argues that the intention of the Application filed was to suspend the decision awaiting the outcome of his Appeal before a single Judge of the Supreme Court.
10. The Court reminded Mr. Boar that a decision once issued is final and cannot be suspended.
11. Therefore, since **Rule 13.3 (b)** being non-existent in the **Civil Procedure Rules 2002**, the Application is filed without basis to move the Court to make a decision.

Civil Procedure Rules 14.3 (1) (2) and (3)

12. The Respondent stated therein the said Application that the Court cannot issue the Order of the 9th October allowing the Application for third party disclosure of the Respondent's financial records, because **Civil Procedure Rule 14.3 (1) (2) and (3)** must first be complied with.
13. Mr. Boar was asked to explain the relevance of the **Civil Procedure Rule 14.3 (1) (2) and (3)**, stated in his Application filed pursuant to the non-existent provision of **Civil Procedure Rules 13.3 (b)**, to which he replied that the **Rule 14.3 (1) (2) and (3)** is irrelevant to the Application filed therefore he wishes to withdraw it.



Setting aside of the third-party disclosure order dated 3rd February, 2026.

14. Mr. Boar further argued that he filed, on the 12th February 2026 the Application to set aside third-party disclosure Order dated 3rd February 2026, on the grounds that there is an Appeal filed and that the hearing of the Application to suspend Decision is still pending.
15. The third-party disclosure orders were signed subsequent to the continuation of the Enforcement proceedings, which was at no point in time suspended.
16. Mr. Boar is reminded that under the **Civil Procedure Rule 13.4**, the filing of an Appeal against a judgment/decision, does not affect the enforcement of the judgment, unless the party appealing applies for a suspension **and** the Court grants a suspension.
17. Mr. Boar has never filed an Application under the **Civil Procedure Rule 13.4**.

On the issue of Mr. Boar being put on notice

18. Mr. Boar again stated today that he was not put on notice of the previous hearings thus causing his unattendance.
19. When asked, Mr. Boar confirmed that his email boarlaw72@gmail.com remains his current mode of communication with the Court.
20. The records held in the file indicate that all Court orders were emailed to Mr. Boar thus putting him on notice of all the progress in the matter and of all the hearing dates.
21. The Court cannot accept that he was never put on notice of all the hearings.

Delayed determination of the Respondent Applications

22. Mr. Boar states that he is aggrieved by the delayed determination of his applications.
23. Mr. Boar is reminded that the Court, in dealing with all matters, uphold the **overriding objective in Rule 1.1 of the Civil Procedure Rules 2002**.
24. Mr. Boar filed an application, with no regulatory basis, and expect the Court to attend to his request made pursuant to a non-existent provision in the **Civil Procedure Rules 2002**.
25. Mr. Boar, instead of using that delay to review his filed Applications and correct the errors outlined therein, appears today to address his grievance based on an intention which was never clearly brought to the Court's attention.

26. Mr. Boar is reminded that pursuant to the **overriding objective set out in Rule 1.1 of the Civil** all matters are treated as important and given hearing dates pursuant to their importance and urgency.

e. Finding

1. The Application to suspend the Deputy Master's decision dated 8th October, 2025 is dismissed for lack of basis.
2. The Application to set aside third-party disclosure because there is an Appeal of the decision dated 8th October, 2025 is dismissed for lack of basis.
3. Mr. Boar to pay wasted costs in favour of the Applicant which is set at VT 10,000.
4. That the matter is listed for conference on the 21st May, 2026 at 9 a.m.
5. A copy of this Decision will be forwarded to the Judge dealing with Mr. Boar's appeal and all related matters.

