



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

Civil
Case No. 24/839 SC/CIVL

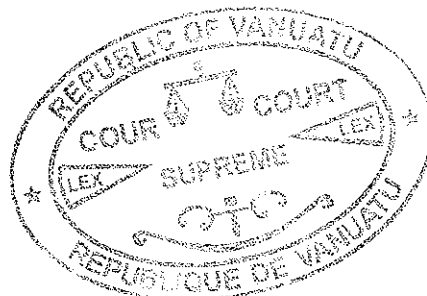
BETWEEN: Godfrey Tahi
Claimant

**AND: John Leo, Kinneth Leo, Tari Ngala, Charges Leo, Solomon
Leo, Bwiri Lange**
Defendants

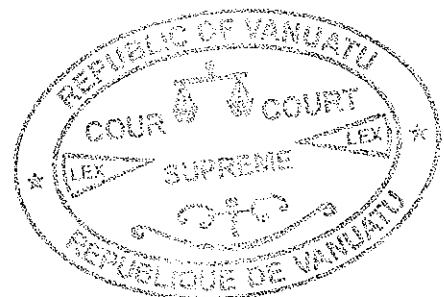
Date of TRIAL: 17th day of February, 2026 at 9:00 AM
Before: Hon. Justice Oliver Saksak
In Attendance: No appearance for the Claimants
Mr Colin B Leo or the Defendants

DECISION

1. The claims of the claimants are hereby struck out.
2. Mr Roger Tevi has acted for the claimants twice. And he has ceased acting for them also twice.
3. The claimants have failed to comply with previous directions that required them to file and serve their additional sworn statements on 24th September 2025. The claimants were ordered to pay trial fees of VT 715, 000 on 3rd December 2025 for a trial hearing today, 17th February 2026.
4. The Claimants have not taken any steps since September 2025 to pursue to ensure their case continues. And they have failed to comply with previous orders of the Court.
5. Under these circumstances the Court has inherent jurisdiction under Rule 9.10 of the Civil Procedure Rules to strike out the claim and proceeding.



6. Mr Leo referred to the defendant's application to strike out the claim which the Court ruled was premature on 20th March 2025 but which was nevertheless dismissed. And Mr Leo sought leave to reinstate the application.
7. The application was allowed, leave was granted and the application reinstated. The application was filed on 9th October 2024 made pursuant to Rule 18.11 of the Civil Procedures Rules.
8. The Court directed the claimants on 16th August 2024 to file and serve their evidence by 30th August 2024. They filed a sworn statement by Nester Tahi on 26th November 2024 some 3 months later.
9. The claimants had a further 5 months from 24th September 2025 to file their additional sworn statements. They have failed to do so. And they have had a total of about 8 months in which they have done nothing to progress their claim.
10. Today was allocated for a trial hearing. Mr Tevi filed a second notice of ceasing to act but no formal leave has been granted by the Court as he was not in Court when the case was called. And the Claimants have not paid their trial fees. Mr Tevi should continue to assist the Court. The Court of Appeal in Boar v Felix [2012] VUCA 7 endorsed this practice to be continued to be followed when lawyers have ceased acting.
11. Under those circumstances the oral application by Mr Leo is properly made.
12. I therefore strike out the claimant's claim and proceeding in its entirety.
13. Mr Leo did not seek any order for costs and therefore there is no order as to costs.



14. This proceeding is to be removed from the register and the file is to be closed.

DATED at Port Vila this 17th day of February, 2026.

BY THE COURT


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Hon. Justice Oliver A Saksak

