

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

Enforcement
Case No. 24/2836 SC/ENFC

BETWEEN: The Presbyterian Church of New Hebrides
Association
Judgment Creditor/Applicant

AND: Family Vutinasupe Ropo & Ors
First Judgment Debtor

AND: Family Livonacopa Ropor & Ors
Second Judgment Debtor

AND: Family John Saksak & Ors
Third Judgment Debtor

AND: Family Vijinakarai Vutilolo & Ors
Fourth Judgment Debtor

AND: Family James Vuti & Ors
Fifth Judgment Debtor

AND: Emile Hoe Mele Trading as Emile Hoe Associates
Sixth Judgment Debtor

AND: Family Socepojiji & Ors
Seventh Judgment Debtor

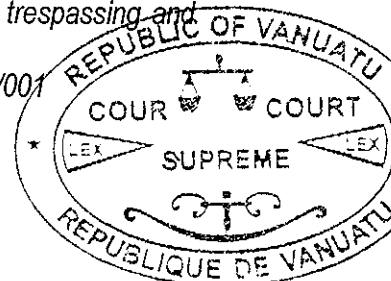
AND: Family Socepojiji
Eight Judgment Debtor

Before: Justice D. Aru

In Attendance: Mrs. T. Harrison for the Judgment Creditor/Applicant

DECISION

1. Summary Judgment was given against the respondents on 6th August 2024. The final orders were:
 - a. The first, second, third, fourth, fifth, sixth, seventh, and eighth defendants and their immediate families, servants or agents are permanently restrained from trespassing and continuing to remain in occupation of leasehold title 04/2932/001
 - b. The claimant to retain and remain in possession of leasehold title 04/2932/001



c. *Costs to be agreed or taxed.*

2. Attempts to seek an extension of time to appeal the decision and to reinstate the application for extension of time were both dismissed by the Court of Appeal on 14 February 2025 and 16 May 2025. The summary judgement is now final.
3. In attempts to enforce the judgement, the applicant now applies for eviction. The application is supported by a sworn statement of Chief Patu Novoko Lui filed on 22nd July 2025. The "Application" in its current form is headed "eviction order" rather than an application for an eviction order. The contents make it clear that it is an application for eviction. This was drawn to counsel's attention but she chose to proceed with the application as drafted. Counsel relies on Chief Luis's sworn statement to submit that since the issuing of summary judgment, the respondents continue to remain on the land hence the application to evict them. It was submitted that all the respondents were served with the application and that proof of service was filed.
4. In eviction proceedings the Court of appeal in *Lop v. Kaukare* [2025] VUCA 10 at [15] stated that: -

"This Court has said on several occasions that in applications for orders of eviction, all adults, male and female, alleged to be occupying the land unlawfully should be named as defendants and served with the proceeding: laus v Noam [2017] VUCA 40 at [12]; Iapatu v laus [2018] VUCA 50 at [22]; and Willie v Bule [2024] VUCA at [43]. Likewise, all adults to be evicted must be served with the eviction order. A description of the defendants sought to be evicted as a named individual "and family" does not satisfy these requirements. ..."
5. At the outset, the orders sought only names representatives of each family. It fails to name all adult, male and female members of the respondent families occupying the land illegally. Secondly the proof of service fails to show that each adult male and female members of the respondents occupying the land were served with the application for eviction.
6. Given the failure to name all persons illegally occupying the land and lack of proper service on all of them, the application for eviction is rejected and is hereby dismissed.
7. A further enforcement review conference is listed for **24th February 2026 at 8.00 am.**
8. Costs in the course.

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

BY THE COURT

D. Aru
Judge

