

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

Civil
Case No. 24/2452 SC/CIVL

BETWEEN: Jonah Tari

Claimant

**AND: Jackson Iauko, Andrew Sandre
Samuel & Willie Iakua**

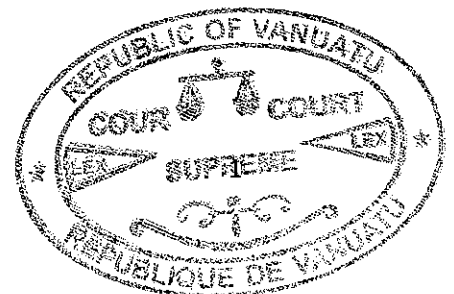
Defendants

Date of Hearing: 3 April 2025
Before: Justice V.M. Trief
Counsel: Claimant – Mr J. Tari
Defendants – Mr W. Kapalu
Date of Decision: 17 April 2025

JUDGMENT

A. Introduction

1. The Claimant Jonah Tari filed the Amended Claim on 29 August 2024 seeking an order for the eviction of the Defendants Jackson Iauko, Andrew Sandre Samuel & Willie Iakua from leasehold title no. 12/0912/901 located on Efate island.
2. Despite opportunity given, the Defendants have not filed a defence. The Defendants were served the Orders dated 26 March 2025 giving notice of the hearing for formal proof of the Claim. No one appeared for the Defendants at the hearing on 3 April 2025. This matter proceeded to formal proof of the Claim.

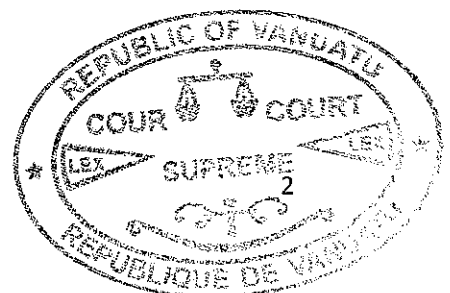


B. Consideration

3. Jonah Tari produced in evidence a copy of the Advice of Registration of a Dealing affecting Registered Land for lease title no. 12/0912/901 showing that he (Jonah Tari) is the registered lessee of that lease, since 15 May 2012 [Sworn statement of Jonah Tari filed on 9 August 2024 – **Attachment “JT1”**].
4. He also deposed that the Defendants are occupying the leased land to date by encroaching onto part of lease title no. 12/0912/901 [Sworn statement of Jonah Tari filed on 9 August 2024 – **Attachments “JT4” and “JT5”**].
5. Further, that despite Mr Tari's solicitor's notice to vacate dated 22 May 2024, the Defendants continue to occupy the leased land [Sworn statement of Jonah Tari filed on 9 August 2024 – **Attachment “JT7”**].
6. There is clear evidence of Mr Tari's legal entitlement to the land. He is the registered lessee of leasehold title no. 12/0912/901.
7. The Defendants occupy part of the leased land, and despite being given an eviction notice, have not vacated the property.
8. Mr Tari has proved the Claim and is entitled to the relief sought.

C. Result and Decision

9. Judgment is entered for the Claimant and it is ordered as follows:
 - a) The Defendants, their families and/or agents are to vacate leasehold title no. 12/0912/901, including removing their houses, fencing, personal properties and garden crops leaving the land vacant, **within 3 months from the date of service of this Judgment**;
 - b) The Defendants, their families and/or agents are permanently restrained from re-entering onto the Claimant's leased land leasehold title no. 12/0912/901; and
 - c) The Defendants jointly and severally are to pay to the Claimant costs summarily fixed at VT100,000, to be paid within 28 days of service of this Judgment on the Defendants.



D. Enforcement

10. Pursuant to rule 14.37(3) of the *Civil Procedure Rules* ('CPR'), I now schedule an Enforcement Conference **at 1pm on 26 June 2025** to ensure the judgment has been executed or for the Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment and a summons in Form 27 of the CPR must be personally served on each Defendant, and proof of service filed.

**DATED at Port Vila this 17th day of April, 2025
BY THE COURT**


Justice Viran Molisa Trief

