

1- ORDER

EEATE ISLAND COURT OF
THE REPUBLIC OF VANUATU
HELD AT PORT VILA

CIVIL CASE No. 01 of 2002

Justices: Makal Kalsong
Esrom Manapanga
Anne Calo

Clerks: Shemi Joel
Blandine Tepi

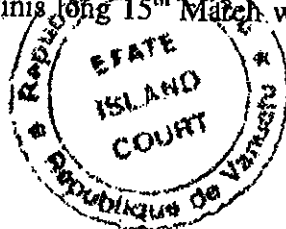
**IN THE MATTER OF LATE APPLICATION LONG DISPUTE BLONG TITLE
BLONG CHIEF BLONG ERAKOR**

BETWEEN: WAIA TENENE
AND: SUAL KALMARI
AND: KALMETABIL KALMET

Parties presented: Waia Tenene
Sual Kalmarie
Kalmetabil Kalmet

Kot ia hemi harem toktok blong Kalmet about late application blong hem. Kalmet hemi basem toktok blong hem long application blong hem we I submittim ikam long Island Kot olsem wan Late Application. Kalmet hemi seekim Order blong Kot ia blong isave allowem hem ikam insaet long Case. Kalmet hemi basem ol reasons blong hem olsem ia:-

1. Long 22 February 2002, Supreme Court hemi bin askem Waia Tenene, Sual Kalmari mo Nmak blong gat wan miting mo mekem wan Joint Claim ikam long Island Court;
2. Trifala parties oli bin agri long wan Joint Claim long 22 February 2002 long 4:00pm long conference Room blong Geoffrey Gee & Partners Lawyers, mo oli sapos blong gat wan kwik mitting bakegen blong stretem gud mo submittim ikam long court;
3. Mi, olsem wan party long case ya, mi bin traem blong gat miting wetem Waia Tenene mo Sual Kalmari after 22 February 2002, be turala ino givim eni response long ol requests blong mi we igo long lawyers blong tufala mo tufala I soemaot se turala ino wantem miting wetem mi;
4. Waia Tenene mo Sual Kalmari ibin gohed blong mekem wan separate claim ikam long Island Kot mo tufala ino bin letem mi save long hem.
5. Long 19th April nomo mi jes save se Waia Tenene mo Sual Kalmari ibin mekem application blong tufala finis long 15th March we paragraph 4 blong Supreme Court



Order blong 28th February italem, be mi bin stap wet long tufala blong comply wetem paragraph 2 blong order ya bifo mifala evriwan I comply wetem paragraph 4;

6. Affidavit blong Secretary General blong mi Timteo Kalmet we mi faelem long Supreme Court long 22nd April 2002 hemi storiam moa long ol reasons mo ol documentary evidence blong sapotem application blong mi ya.

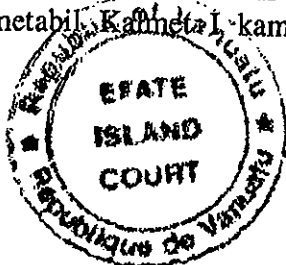
From ol reason ia nao Kalmet hemi askem long Honourable Kot ia blong axceptem hem olsem wan Partie long Case ia. Hemi continue blong talem olsem ia:

1. Supreme Kot hemi regardem mi olsem wan party long case we istap long fored blong hem long case No. 20 of 2002, mo bambae hemi no fair blong tufala parties nomo igat feedback long Island Kot hearing without mi;
2. Lateness blong application blong mi hemi caused by negligence blong Waia Tenene mo Sual Kalmari from tufala ino comply fulwan wetem Supreme Kot Order blong 28th February 2002.
3. Mi no bin kasem eni copies blong ol documents blong Waia Tenene or sual Kalmarie in respect of applications blong tufala kasem 8th of may 2002, mo hemi no wan fair treatment;
4. Siposi honourable Court ia hemi gohed nomo wetem Waia Tenene mo Sual kalmarie, bambai I gat miscarriage blong justice, mo bambai I no fair long mi, mo hemi breachim fundamental rights mo legal rights blong mi;
5. Lastly, mi no bin gat tingting blong no comply wetem deadline we I stap long paragraph 4 blong Order blong 28th February 2002, mo mi sure inaf se mi gat full legal rights blong appear olsem wan party long case ia;
6. Taem Supreme Kot ijekem case ya long 22nd July 2002, bambae hemi faenemaot se Waia Tenene mo Sual Kalmari icomply nomo wetem paragraph 3 mo 4 blong orders blong hem be oli no comply wetem paragraph 2 we hemi most important aspect we I karem high risks long hem.

7. Sipos mi no wan party long case ya, Waia Tenene ino save putum nem blong mi long case cover blong hem we I karem claims blong hem we hemi faelem long Island Kot long 15th March 2002.

After we Kot I harem toktok blong Kalmetabil Kalmet Kalmet, Kot I givim taem long Waia Tenene mo John Kaluat olsem spokesman blong hem I talem se olgeta ino agree long Late Application blong Kalmetabil Kalmet from only reason se hemi no comply wetem Order 4 blong Supreme Kot.

Narafala partie blong Case ia hemi Sual Kalmari hemi putum concern blong hem too se hemi no wantem se Kalmetabil Kalmet I kam from reason se hemi mekem Late



Application Hemi continue blong askem Kot ia blong referem Application ia igo long Supreme Kot nomo blong igivim raet long ia long hem whether hemi lodgem Late Application blong hem.

Since tufala parties ino agree long Late Application blong Kalmetabil Kalmet, so Kot ia imekem Order olsem:

Case ia I refere igo back long Supreme Kot blong lukluk long Late Application blong Kalmetabil Kalmet.

Dated at Port Vila this 15th day of May, 2002.

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Makal K.



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Esrom M.

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Anne C.

