

CF

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil case 1005 of 2019

BETWEEN: KEKEN SIMBOLO
WALLA VILLAGE, NORTHEAST MALEKULA
Claimant

AND: PHILIP UTISSETS MALSOKLE
Represented by MARCO UTISSETS
JACOBSEN ROLIFE MALSOKLE
Represented by JOCELYNWELE BANGUS
JANNIQUE MALTELOU
CHARLEY MALEB
Represented by ETIENNE TIASINMAL
Defendants

DATE OF HEARING: 24 April 2025

DATE OF DECISION: 24 April 2025

**BEFORE JUSTICES: JUSTICE Joses Lingi, JUSTICE BAIACK TOLISH, JUSTICE
PATISSON PETER (CHAIRPERSON)**

CLERK: COLLYNE TETE MAKI

PARTIES: DEFENDANTS – All Present before the court

CLAIMANT – Not present before the court



BACKGROUND BLONG KES

Kes ia emi bin filed long yia 2023 blong kot I harem mo finem maot long kot se WHU LONG OLGETA PARTIES IA NAO EMI STRET BLAD LAEN WETEM MAN IA "MALSOKLE"

Every parties oli filem wan statement I kam long kot blong kleim se oli relate wetem Malsokle. Kot I summonem ol parties blong kam long kot wet evri defendan oli present bifo long kot be klemen nao emi no present bifo long kot ia.

AFTA WE KOT I HAREM TOKTOK BLONG OLGETA PARTIES KOT I FAENEM MAOT SE : -

1. KEKEN SIMBOLO emi filem kes blong kleim bladlaen blong Malsokle mo emi no present tedei long kot. Emi no gem any gud risen blong talem why emi no present long kot tis moning follem kleim blong em
2. Rarua Simbolo we emi stret brata blong Keken Simbolo emi gat wan boe we emi Poling Simbolo em nao emi stap long aelan and evri papa blong em oli ko long Vila follem wan kes we i stap agensem olgeta long Suprim kot. Poiling emi risivim summon and yet Keken simbolo emi no present bifo long kot ia
3. Kes we emi filed long Suprim kot i gat ol lawyers oli representem olgeta parties blong toktok on behalf blong olgeta
4. Jocellyne Bangus we emi present tis moning blong representem Jacobsen Malsokle nao emi filem kes long Suprim kot agensem klemen and emi present long kot hearing tis moning from emi gat lawyer blong representem em so i min se klemen tu emi gat lawyer blong representem em
5. Evri parties oli stap long kot tis moning oli served indirectly be yet oli present bifo long kot tis moning
6. Sapos kes blong bladlaen ia emi dismissed bae emi no affectem jifly taetol kes blong Amelvava we i includem evri parties long kes ia from wan wan party's bae oli still tokbaot kleim blong olgeta
7. Follem Civil Procedure Rules blong Aelan kot Section 4, part "a" we i statem se sapos klemen emi no present bifo long kot



wetem wan gud risen so kot bae i strikem out kleim ia bifo long ko

AFTA WE KOT I MEKEM OL FINDINGS IA KOT I MEKEM ODA SE: -

KOT ODA

1. Civil case 1005 blong 2019 emi struck out
2. Eni long ol parties emi no happy wetem decision ia emi gat 30 dei stat tedei kasem 29 May 2025 blong apil i ko long Magistrate kot



DATED AT LAKATORO THIS 24 APRIL 2025



JUSTICE JOSÉS LINGI



JUSTICE BAIACK TOLISH



JUSTICE PATISSON PETER (CHAIRPERSON)

