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

Civil Case No.43 of 2005

BETWEEN: ROBSON ISAAC

Plaintiff

AND: JOHN STEVEN

Defendant

ORDER

By way of an application the plaintiff is seeking this Court's order for the release of vehicle Registration No. 277. He provided that he is the sole owner of the vehicle to which he purchased for the amount of VT 950,000 to one Eric, the vendor. He submitted that he has no knowledge and denies borrowing any Vatu as claimed by the defendant. There is a document showing transfer of the subject vehicle signed by the vendor and the plaintiff. Matters of formality pertaining the registration of transfer are in the process.

The defendant disputes that he has given the plaintiff the amount of VT 350,000 and his wife the amount of VT 50,000 at their house in Fresh Water Area following an agreement towards the purchase of the vehicle. He explains that a verbal agreement was made on the 10th of March, 2005 at Fresh Water. Such, agreement provides that as of 30 April, 2005 the plaintiff should refund his monies. In any event default of refund, the defendant will arrest and seize the said vehicle without notice. In support of his version, he produced a document purported to being made in witness of the agreement. He does not dispute the ownership of the vehicle. Andre Reuben one of the signatory confirmed the said agreement to be true.

In reply, the plaintiff still denies having borrowed any fund from defendant and his wife and making any verbal agreement. He further tendered a copy of the prescribed form providing for the transfer of the vehicle. The original booklet of registration is also in the possession of the plaintiff.

Given the gathered evidence from the parties, the Court is satisfied that the subject vehicle must remain in the possession of the plaintiff. Turning to the defence action only came following an claim against the plaintiff over monies expended towards the purchase of the truck. This is an outside issue that this

court will not decide on. For our purpose, the issue before the Court is of ownership. If the defendant feels that his action is justified in line of his claim, he must come to Court and file a different case.

With the foregoing reasons, the defendant must peacefully deliver Vehicle Registration No.277 to the plaintiff as of date. Should there arise any difficulty in the delivery of the subject vehicle, the Police may be call for assistance.

Dated at Lakatoro this 5th day of July, 2005

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Dated at Lakatoro this 5th day of July, 2005

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EDWIN MACREVETH
MAGISTRATE