

Estate of/land Court of
the Republic of Vanuatu
(Civil Jurisdiction)

Civil Case No. 15/06

Date: 17/07/06

Court: Justice Makal Kalsong
Justice Ann Kalo
Justice Jinneth Simon

Clerk: S Del.

In the Matter of An application filed ~~by~~
Between: Chief Henry Arel Manlaewia
(Plaintiff)
And: Chief Lakelowa & defendants
(Defendant)

This is an application filed by the applicant
in relation to Manlaewia / Arel's title
being formally listed on the 17/07/06 @
Pugon Village for determination.

The applicant seeks the following
relief:

- (1) An order that this court adjourned
this proceedings until further notice of
the court.

- (II) An order that Costs of this application be in the Cause.
- (III) An order that this matter be remitted back to Vatonsu & Malvabumani Council of Chiefs to determine since they are the proper forum to entertain this matter.
- (IV) Any order the Court deems fit & necessary.

Upon the grounds:

- (I) Notice was handed in late
(Refer to Statement attached)
- (II) Refer to Statement attached.

In responding to the application, TIPSIT, being Spokesman for defendant said the following words:

- (I) He has lodge this matter in the Efate Island Court in April, 2006 and believes that defendant should be aware & prepares himself to defend him today.
- (II) He received his notice earlier while I received my letter on Friday 14/7/06

(III) He dispute the application made in regard to the matter to be transferred to Vattresu. Since the Vattresu never upheld their decisions & they are not Court of Law. They do have no powers to enforced their decisions. Therefore he prefer the matter be heard by High Court.

Henry over in respond to what TIVS said:

- (i) His ground of Support is based on point no 3 on his application.
- (ii) He does not like the Country process of Court system of this country. Therefore he prefer the matter go before the Vattresu counciling chiefs.

Another application made by TIVS say:

- (i) Seeks relief of Court that this matter be transferred to ~~be~~ or adjourned & be heard in part ultra tomorrow.

This reason is based on allegation of biasness on the same Court that made decision on Pakula Case. They allege that applicant was being food & meeting with court officers.

every end of the day they finish court. He does not want the case to be the same.

In response, Manlaewie Stress that its important this matter be heard @ Pannagisu since its concerns Society. Ula is too busy for them.

Upon hearing the applications and their reasons the court made the following rulings:

(1) Section 2 & 3 of rule 2 of the Civil procedure rules of 2005 is not being observed. Summons were returned late. This is contrary to the rules prescribed in Island Court Rules No 2 of 2005 therefore Order 1 is granted.

(2) Order 2 is not granted. Island Court is empowered under Section 10 of the Island Courts Act, Cap 107 to determine this issue.

(3) Order 3 is granted. Both parties meet their costs.

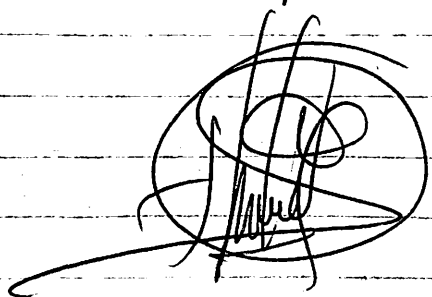
(4) Oral application made by Mr Titus Tairu to have this matter adjourned & proceed in Ula is not granted. The Court sees the importance to

I have this matter heard @ Pangoiu since
it concerned Society of this leader.

Orders.

- (1) Chief Henry Grel Mankewia is given
7 days from today to file his defense
on allegations made against him.
- (2) Clerk is directed to serve the defense
Statement to Chief Latelouwa &
descendants by 26/7/06.
- (3) Matter is hereby adjourned to 1st of
August @ 9:00 AM to be heard at
Pangoiu Village.

Dated at Pangoiu Village Ni 17/7/06.



Clerk

