

IN THE EFATE ISLAND COURT
HELD AT PORT VILA

Civil Case No. 5 of 2008

(Civil Jurisdiction)

BETWEEN: **PARAMOUNT CHIEF POILAPA III TI VATELAPA,**
TASUILA MALASTAPU & SIMEON POILAPA (Mele
Farea Administration) for Poilapa Family and Group of
Mele Village, Efate.
Claimant

AND: **KALOKAI MASA'AI, of Mele Village, Efate**
Defendant

Coram: Justice Ann Carlo
 Justice Francis Aru
 Justice Tomson Andrew

Clerk: Jona Mesao
Date of Judgment: 3rd March 2008.

JUDGMENT

Whereas, on the 29th February 2008, an application was made under section 13 (b) in the Island Court Act No. 10 of 1983, where the Claimant claimed the following applications;

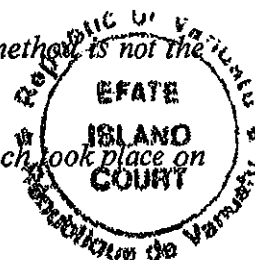
The Defendant, his servants, agents and or representatives are immediately restrained from claiming to have elected Mr Kalokai Masa'aci or any other person as the Paramount Chief of Mele Village;

The Defendant, his servants, agents and or representatives be immediately restraint from calling any meeting in respect of discussing issues relating to the Mele Village Paramount Chiefly Title Dispute;

The Defendant, his servants, agents and or representatives be immediately restraint from performing any customary ordination as the matter is now before the Court;

The Court declares that the method of electing a chief and any other method is not the custom of Efate and not the custom of Mele Village;

The Court declares that the election of the Paramount Chief of Mele which took place on 4th November 2004 is invalid and of no effect;



The Court declares that the proper true custom of Mele Village and Efate Island as a whole is to inherit a Paramount Chiefly Title from the Chiefs bloodline;

The Court declares that Paramount Chief Kalontano Nano Poilapa III Ti Vatelapa is the legal successor of Paramount Chief Peter Poilapa II and his ordination on 8th October 2005 is valid and effective;

The Court declares that Paramount Chief Poilapa III Ti Vatelapa is now the existing Paramount Chief of Mele Village and there is no other Paramount Chief of Mele;

The Court declares that Kalokai Masaai who was purportedly elected on 4th November 2004 is not the Paramount Chief of Mele Village;

The Court declares that all decisions made by the purported elected Paramount Chiefs is null and void;

The Court orders that Kalokai Masaai, his servants agents and or representatives shall immediately stop claiming or using the Chiefly Title of Paramount Chief of Mele, and shall cease to hold meetings at Mele Village and other places;

The Court orders all parties to keep the peace and good order in the community at all times;

And cost of this application to be paid by the Defendant, his servants, agents and or representatives.

In this application, the Claimant claimed that the Defendant, his servants, agents and the council are planning an ordination process that of which will occur on 5th March 2008. The Claimant added to say that, the Paramount Chiefly Title of Mele Village is in dispute and had been lodged in the Efate Island Court pending hearing.

In response, the Defendant said that, this is not true. There wasn't any plan or process then for an ordination to take place. Mr Malas Niwango, assistant Chief on reply said that, Defense did not agree with the application sought by Claimants. He said that, the substantial matter is the Paramount Title of a Chief on Mele. But to restraint small Chiefs of Mele Village for not calling any meeting in respect of discussing issues relating to Mele Village people, in my view it will be awful suggestion. On behalf of Defendant, We disagree with the entire claim in this application.

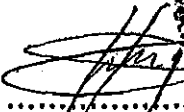
Having heard, the facts presented by Claimant and the spokesperson for Defendant and its councilors, and upon hearing the arguments made in relation to this application, the Court hereby satisfied and makes the following Orders.

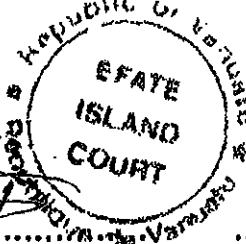



ORDERS

1. That Defendant his relatives and agents are restrained from performing any customary ordination of a Paramount Chief of Mele until a full hearing of the Chiefly Title Dispute shall be entertain by this Court.
2. That, both Parties their relatives and agents are restrained from using the said named "PARAMOUNT" until the full determination of the Paramount Chiefly Title Dispute is rendered by this Court.
3. That, both parties their relatives and agents shall maintain peace, harmony and good order in the community at all times.
4. The Court will sit and determine the Paramount Chiefly Title Dispute on 21st April 2008 at 8.30am.
5. No order as to cost.


.....
Justice Ann Carlo


.....
Justice Francis Aru


REPUBLIC OF VANUATU
EFATE
ISLAND
COURT


.....
Justice Tomson Andrew

Dated at Port Vila, this 4th day of April 2008.