

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
HELD AT LAKATORO/ MALEKULA**

CC. # 02/010

Judg. #

(Civil Jurisdiction)

**BETWEEN: CHIEF EDWIN HAPSAI
(Complainant)**

**AND: FAMILY ALBERT
(Defendant)**

Order:

Having heard the parties this Court finds as follows;

The applicant entirely disagrees until the Island Court judgment issued on 20th day of December, 1988.

He has complaints disclosed as reasons for utilizing section 21 (1b) of the Island Court Act Cap 167 for re-hearing.

However, his grounds of filing this application are of serious allegation and contains issues of law.

For instance, whether a Magistrate must preside over that land matter. That is an issue which must be explored.

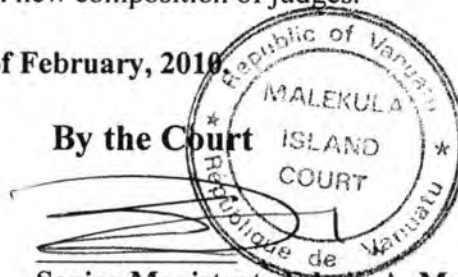
There is also allegation of bias and conflict of interest among others.

Given these issues, this Court think it more appropriate for the applicant to appeal the Island Court decision rather than asking the Supervising Magistrate to redirect a fresh hearing under the relevant section above.

As such the application is dismissed. The complainant must appeal the said decision to the Supreme Court. If the Court above is satisfied with their appeal it then may direct this Court for retrial with new composition of judges.

Dated at Lakatoro this 23rd of February, 2010

By the Court



**Senior Magistrate Edwin A. Macreveth
Supervising Magistrate**