

IN THE BANKS/TORRES ISLAND COURT
OF THE REPUBLIC OF VANUATU

CIVIL CASE No; 29/2007
Judgment No: 4/2010

(Civil Jurisdiction)

BETWEEN: Mr Bice Mera and Arthur Kones
(Complainant)

AND: Mr John Collin and Mr Paul Sur
(Defendant)

MATTER: APPEAL FROM THE RULING OF VILLAGE CHIEF.

Coram: Justice Ken Edgel
Justice David Lug
Justice Phillip Morres Tabe

Clerk: Fredington Aru

JUDGMENT

Brief background long Case:

Case between Bice Mera, Arthur Kones mo John Collin Mo Paul Sur hemi wan claim blong compensation we tufala complainant [Bice Mera mo Arthur Kones] I lodgem againsem John Collin mo Paul Sur. Tufala I statem se long namba 9th April 2007 long taem blong wan meeting tufala jifs ia John Colin mo Paul Sur I allowem fight blong I kohed mekem se oli kilim nogud tufala complainant .Long end blong fight,fulap man I karem kil mo wan boy I klosap I lusum laef blong hem mo antap long hemia ol jifs I mekem tufala complainant blong fine. Bice Mera mo Arthur Kones I no hapi mo stap claim compensation from kill we oli karem mo unfair judgment blonmg ol jif .Tufala I claim wan amount blong VT 50,000 mo wan pig long risen se from tufala jifs ia we I allowem fight I big jif blong Mere Lava Island.

Kot ia I bin registerem Case ia long namba 10th blong Manis July 2007.

Couple blong ol parties ia oli bin directly served wetem summons blong kam long Court and evriwan oli bin mekem effort blong appear bifo long Court taem Court I Sitaon blong lukluk long matter ia.

Evriwan we oli parties long Case ia oli blong Tasmal Village long Mere Lava.

Luluk long Background we I stap bae yumi nao ko long detail blong issue blong faenemaot se whether or not tufala jifs ia I allowem fight blong I tekem place olsem we I stap long claim blong tufala complainants.

Evidence

Tufala defendant [John Collin mo Pail Sur] I talemaot long Court se tufala I no allowem fight blong I tekem place olsem wanem we I stap long statement blong claim blong tufala complainants.

Tufala defendants I talem se yes I tru, fight I bin happen be tufala I no allowem fight ia blong I happen. Tufala I talem se oli fixim finis long *fasin blong yumi*. Defendants oli talem long Court se oli fixim everything finis long kastom fasin blong mekem peace be oli sek se tufala complainants I pututm case I kam long Court.

Plaitiff Bice Mera I talemaot long Court se evri jifs oli bin kam long meeting ia be oli no bin blokem fight.

Court I questionem tufala jifs [defendants] se tufal I bin stap long taem blong meeting ia mo oli ansa se yes nao Court I askem long tufala se from wanem nao tufala I no blokem fight mo tufala I ansa se tufala I blokem be fight I go out of hand nao killing I tekem place.

Defendant Paul Sur I kirap I talemaot bakeken long Court se oli bin shakehand finis long pig mo money. Oli givim VT 500 I ko long ol jif mo VT 5000 long tufala complainants wetem shake hands mo VT 500 I ko long olgeta security.

Defendant Paul Sur i talem set tugeta side we I involve long fight I bin karem kill be oli stretem finis long fasin blong kastom.

Plaitiff Arthur Kones i talemaot tu long Court se lukluk I stap se jif I bin allowem fight.

Court I askem more kwesten blong faenemaot stamba blong fight.

Defendant I talem long Court se fight I broke aot wantaem long taem blong wan lafet we I kat sam man I bin drong mo from reson ia nao oli pulum miting blong kam stretem ol problems.

Tufala plaintiffs oli talemaot tu long Court se ol man we oli casem fight ia oli kam long Santo.

Court I traem blong I ,karem sam more information mo storian long side blong Case ia .

Case I go long Trial :

Witness 1: Jif William Sal

Jif William Sal I testify long Court se yes itru, fight I bin tekem place be long money we tufala defendants stap talem, oli kivim long tufala complainants nomo be I no individual. Hemi talem se ol man we oli causem fight long taem we meeting I sitaon oli bin kam, long Santo, oli blong Tasmal nomo.

Witness 2: Goddy Stanley

Goddy Stanley hemi talemaot long Court se olgeta we oli bin sitaon long taem blong meeting hemi ol Coucil blong ol jifs. Goddy I talem se long taerm blong fight ia hemi luk wan boy we I kam long Santo we long taem blong meeting ia taem boy ia itoktok, semtaem I wokbaot I ko from ol Complainant mo fight I broke aot.

Plaintiff Arthur Kones I talemaot long Court se wanem we Goddy I talem hemi tru. Hemi se long taem blong meeting, Jif Collin mo Jif Sur I allowem wanside party nomo blong toktok be I no kivim Chance blong olgeta long side blong tufala complainants blong toktok.

Witness 3: Jif Lendsay

Jif Lendsay I talemaot long Court se taem hemi harem se fight bae I tekem place, hemi blokem so hemi putum shell money long nasara. Hemi se oli no bin rispektem Tabu ia [shell money] mo mekem fight I gohed. Olgeta ia hemi ol group we I kam long Santo. Lendsay I continue blong talem se long taem blong meeting ia Jif Collin mo Jif Sur I no allowem olgeta blong toktok. Tufala I kivim Janis nomo long olgeta wanside group [olget ia we oli kilim ol complainants].

Defendant Paul Sur I talemaot long Court se toktok blong Jif Lendsay se hemi blokem fight wetem shell money we hemi putum long Nasara hemi afta long fight finis. Hemi talem se sapos anyone I casem fight bae I fine long hem long 500 shell money mo wan pig. Be hemi no putum TABU bifo long fight.

Witness 4: Danstan

Danstan I talemaot long Court se long taem ia we fight I bin broke aot hemi bin stap wok olsem Area Council Secretary blong Mere Lava. Hemi talem se taem we fight ibin broke aot I gat ol security I stap mo oli should blokem fight be hemi no save se from wanem nao oli no bin blokem fight.

Hemi se Case blong meeting long taem ia hemi stap between ol families blong tufala defendants mo families blong tufala complainants. Hemi talem se jif I no handelem gud case ia mekem se fight I broke aot.

Danstan I gohed blong talemaot long Court se olgeta we oli kam long Santo mo causem fight hemi ol family blong Paul Sur.

Court I talem long defendants se taem fight hemi broke aot, jif nao I responsible blong handelem. Be from reason se olgeta families blong jif Sur we oli stap long Santo, oli kam long Mere Lava, I mekem fight I broke aot. Mo tu from jif Sur I no mekem wok blong hem blong stopem ol families blong hem blong no fight- I mekem se fight hemi broke out.

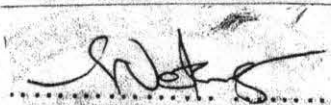
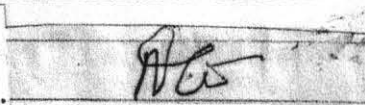

From risen ia afta long evri toktok, Court I Satisfy mo proceed blong Judgem Case.

Decision of Court

1. Court I stap order se yu John Collin mo Paul Sur mbae yutufala I pem I ko long tufala complainants, Athur Kones Mo Bice Mera wan amount blong VT 12500 plus VT 1000 we hemi fee blong karem case I kam long Court.
2. Payment I must be made in full within three months taem.
3. Sapose any long tufala parties I no satisfy wetem decision, oli gat right blong appeal I go long Magistrates Court within 30 days effective as of today 13th October 2010.

DATED AT TASMAT, MERE LAVA THIS 13TH DAY OF OCTOBER 2010

BY THE ORDER OF THE ISLAND COURT

		
Justice Ken Edgel	Justice David Lug	Justice Phillip Morres Tabu

