

**IN THE MALEKULA ISLAND COURT
HELD AT LAKATORO/ MALEKULA
(Civil Jurisdiction)**

Cc. No. 44/09

BETWEEN : **Jeffery Williams**
Original Claimant

AND: **Willion David**
Fes Counter Claimant

Edward Gordon
Second Counter Claimant

Laurant Malress
Third Counter Claimant

Setack Tasso
Fourth Counter Claimant

Ame Malbury
Fifth Counter Claimant

Klan Donna
Sixth Counter Claimant

Kollin Baipa
Seventh Counter Claimant

Frederick Malapa
Eighth Counter Claimant

Jacob Toame
Ninth Counter Claimant

Arnold Antoine Jimmy
Tenth Counter Claimant

Ronny Denny
Eleventh Counter Claimant

Coram:Jastis Douglas Fatdal
Jastis Endy Shem
Jastis Shem Tasvaille



Clerk: Wendy W. Raptigh

Matter: An application by Willion David blong struck out matter blong Tautu Paramount Jif (Civil Case No. 44 of 2009) before long Malekula Island Court.

JUDGMENT

Brief background:

Dispute blong Paramount Jif blong Tautu ibin registered long Island Court long 14th October, 2009. Procedures blong wan claim mo ol defence istap go hed stat las manis (September) afta we ibin gat 12 claimants evri wan.

Long 16th September, 2011 igat wan application we ikam bifo long Island Court from Willion David we istap askem Court blong dismissim claim civil case No. 44 of 2009 long ol grounds se claim we istap bifo long Island Court ino proper. Tautu emi no wan nasara be emi wan vilij we igat ol nasara istap long em. Long respond Jeffery William emi talem se em nao ifes man long Tautu mo em nao iputum nasara Naur mo ol man we oli kam afta olgeta nao iputum ol narafala nasara olsem Apan, Potnator mo ol narafala smol nasara olsem Velo. Mo emi maintenem stand blong em se matter blong Tautu Paramount Jif emi mas proceed long Malekula Island Court.

Kot igivim taem tu long ol nara claimant blong givim ol respond blong olgeta long saed blong application for struck out. Ol claimant; Edward Gorden, Setack Tasso, Ame Malbury, Klan Dona, Frederick Malapa, Jacob Toame mo Ronny Denny oli givim toktok long Court each se igud bae Court iharem dispute blong Naur nasara fes taem from bae Court ino save proceed wetem Tautu Paramount Jif we igat dispute istap long Naur nasara. Oli serem sem view tu se Tautu emi wan village we igat ol nasara tu istap insaed. Wan Jif isave klem nomo taetol blong nasara blong em be ino save klemem taetol ova long wan village we igat ol nasara oli stap insaed. Gaspard Tommy mo Laurent Malress oli talem se igud se dispute blong Paramount Jif blong Tautu i go bifo village Kot oli deal wetem be bae ino Island Court. Kollin Baipa wetem Frederick Malapa oli givim toktok blong tufala blong talem se dispute blong Tautu paramount Jif ino mas proceed long Island Court from igat Land Case blong PRV (Tautu) we ipending istap long Supreme Court. Igud se Land case ipass long Kot fes taem afta bae dispute blong Jif ijies follem behaen.

Long reply blong applicant igot long ol toktok blong ol claimant ia antap, Mancel Apia emi still maintenem stand blong em se case imas withdraw long Island Court mo struck out from emi no wan proper claim.

Afta we Kot iharem applicant, ol response mo reply insaed long Court, Court istap mekem ol findings olsem;

Taetol blong claim we ikam long Malekula Island Court emi Dispute blong Paramount Chief blong Tautu we Original claimant emi Jeffery Williams. Long 16th September, 2011 Willion David thru long Mancel Apia imekem wan application blong strickem out claim long Malekula Island Court emia upon several grounds be main wan we Court



iconsiderem emi se ino proper blong kleim Tautu from Tautu ino wan nasara be wan settlement.

- a. Court emi note se Tautu emi no wan Nasara, be emi wan settlement blong ol wanwan tribes blong ol diferen nasara we oli kam mo liv long Tautu village
- b. In order blong wan Jif iklemem Paramount Jif, emi mas base long wan nasara, from nasara ia emi gat wan boundary blong em mo nakamals blong em.
- c. Tautu emi no wan land boundary emi wan settlement/ village.
- d. Jeffrey Williams emi stap kleim se Naur nasara (Nasara blong em) nao emi fes nasara long Tautu, emi oldest nasara mo we irecifim ol man we oli jes kam blong mekem ol nara nasara we istap insaed long Tautu.
- e. Court inote se sapos toktok ia antap itru then from wanem within Naur nasara itself igat dispute blong Paramount Jif, for example Jeffery William ikleim se emi big Jif blong Naur nasara be sam nara claimant tu oli claim se oli big Jif blong Naur olsem Willion David, Gaspard Tommy, Laurent Malress, mo Kollin Baipa.

Wetem ol findings ia Court istap mekem ol following Orders olsem;

Kot istap jenisim claim we istap long Malekula Island Court, instead blong claim Paramount Jif blong Tautu, matter nao ia bifo Kot emi dispute blong Paramount Jif blong Naur nasara long Tautu.

Ol nara claimant we oli ting se oli no pat long kleim blong Paramount Jif blong Naur nasara, bae Jeffery William olsem Original clamaint imas refundem or pem bak ol Counter claim fees blong olgeta long or bifo Court iharem trial blong matter asap. Ol claimant imas soem Court fee receipt long Clerk blong Island Kot.

Matter bifo Kot – Dispute ova Paramount Jif blong Naur nasara bae Kot iharem long namba 10th October, 2011. Bifo or long 3rd October, 2011 ol claimant oli mas submitim ol kleim ikam long Island Court Clerk.

Yu we yu ting se bae yu still usum ol semak document we yu handem long Court finis ino nid blong yu jenisim then letem Clerk isave long em.

Long 4th October, 2011 long 2pm long aftanun bae yumi exchangem ol pepa/ claim mo each claimant bae igo ridim pepa blong em mo ready blong trial we bae istat long 10th October, 2011 long 9.30am long morning long Lakatoro Kot haos.



Dated at Lakatoro this 28th September, 2011.

Endyshem
Jastis Endy Shem

Jastis
Jastis Douglas Fatdal

Shema
Jastis Shema Tasvaillie

