

CIF

IN THE MALEKULA ISLAND COURT

Civil Case No. 27/10

HELD AT LAKATORO/ MALEKULA

(Civil Jurisdiction)

BETWEEN: RENOL ASSA
MOISE JOEL
(Claimant)

AND: ATE HAPSAI
COTIN HAPSAI
(Defendant)

Coram: Jastis Kalman Hapsai
Jastis Robert Niptik
Jastis Shema Tasvaille

Klak – Wendy W. Raptigh

Matter; Claim the sum of VT31,930 plus cost

Court Decision

Brief Backgraon

Claimant Renol Assa mo Moise Joel tufala icomplen se tufala Defendants Ate Hapsai mo Cotin Hapsai tufala icuttem ol bag copra blo tufala we oli selaot finis mo fulmap lo ol Sato bag istap lo saed rod. Igat 10 bag evri wan. Result blo cut cutem copra ia mekem se bigfala copra ia iwaiste nomo ino gud evri wan mo claimants oli nomo go bonem blo salem.

Issue: Whether Ate Hapsai mo Cotin Hapsai tufala nao ikatem ol bag copra?

Case igo lo trial from defendants Ate Hapsai mo Cotin Hapsai tufala ise tufala ino cuttem ol bag copra ia.



Findings blo Kot:

Long trial Kot iquestionem tugeta parties as to from wanem nao Claimant even thou emi no lukim tufala defendant ikatem ol bag copra ia be emi stap claim se tufala defendants nao icutem ol bag? Ansa lo taem ia emi from se Defendants wetem Claimants oli stap dispute from coconas ia long taem ikam finis. Defendant emi stap klem se plantation coconas ia iblo em mo ol claimants oli se olgeta icutem tru lo wan agreement we istap bifo ikam.

Claimant lo taem blo incident ia (cutem copra) oli bin grup mo go lo haos blo Defendants mo askem em sapos em ikatem ol bag copra nao lo cros examination Defendant emi se emi neva talem lo olgeta se 'Yes' em nao icutem ol bag ia. Ol claimants oli se emi admitim se em nao ikatem ol bag copra ia nao oli demandem em blo givim olgeta niu bag blo oli go fulumap ol copra blo olgeta. Defendant ise emi no givim bag lo olgeta from se ino em icutem ol bag copra ia.

Ol actions blo claimants lo taem ia we oli go lo haos blo defendant ia, oli tekem knifemo benzene blo bonem daon haos mo kilim ol defendants. Action ia imekem defendant ifright so em tu taem ikam aot saed blo luk olgeta em iholem knife blo em wetem em.

Claimant ise ino fes taem we defendants oli rao wetem olgeta from ol coconas ia. Lo wan taem defendants (Cotin) ibin fightem Renol from coconas ia. Lo wan nara tae mol defendant oli ronem Rexon taem emi stap hipmap coconas.

Defendants (Papa blo Defendant – Harry) oli admit se yes oli stap toktok plante from coconas plantation ia. Be ineva gat wan taem we oli go to the extreme blo cuttem ol bag copra blo olgeta or bonem bed copra, since bed copra istap klosap nomo lo haos blo ol defendants. Copra isave silip over night or several days lo bed be ol defendants oli neva go destroyem or bonem. Lo tingting ia nao oli still mekem stand blo olgeta se ino olgeta oli cuttem ol bag copra olsem claimant istap talem neither do olgeta save se whu ia nao icutem ol bag copra ia.

Wetem ol findings ia Kot istap rule se;

Thou Claimants mo Defendant oli stap raorao from coconas plantation ia ino mean se evri samting we ihapen insaed lo plantation bae emi blaimem ol defendants. Emi save possible, but lo case blo yumi problem se ino gat wan man ilukim se ol defendants ia nao oli cuttem ol bag copra ia.


Lo rison ia Kot istap dismissim claim blo claimant lo Kot ia.

Each parti imitim own cost blo em.




Dated at Lakatoro this 19th of December, 2011.

Before;



Jastis Robert Niptik



Jastis Kalman Hapsai





Jastis Shema Tasvaille

