

*(Civil Jurisdiction)*

**BETWEEN: WINNIE TULA**  
**(COMPLAINANT)**

**AND: KEN JONAS**  
**(First Defendant)**

**CHARITY JONAS**  
**(Second Defendant)**

**LOLA JONAS**  
**(Third Defendant)**

**MATTER: PAYMENT OF COMPENSATION IN THE SUM OF VT 40,000 PLUS  
COSTS FOR ASSAULT AND INJURY SUSTAINED AND SWEARING BY THE  
DEFENDANTS**

**Coram:** Justice David Lug  
Justice Badley George  
Justice Phillip Morres Tabe

**Clerk:** Fredington Aru

**JUDGMENT**

This is a compensation claim filed before this Court by the complainant Winnie Tula. On her statement, she claimed that the defendants have assaulted her on several occasions. She stated that defendant Charity (second defendant) spat on her face at Gaua airport area one night. She went on to say that defendant Charity said she is 'dirty' and she is a 'whore' (solicit).



Leading on from there she said that on September 9<sup>th</sup> 2011 the second and the third defendant assaulted her at Lewarsas village causing her to be unconscious. The same time they said to her that she is a prostitute and a 'kan face'. She said the two defendants said words like 'yu tip skin, kanface, solmit, toti woman, face blong yu olsem kok, yu sting, woman blong salem ass and truck toti.

The complainant stated that she is ashamed over what the defendants did to her as what they are doing is in public area. Amidst the defendants actions to her she claimed and sought before this Court a relief of VT 40, 000 as compensation from the defendants.

The complainant lives far West of Gaua Island and could not be served to come to Court on time. The first defendant is served and is present while the second and third defendants are not served as they are currently taking residence in Mota Lava Island

**Issues:** This Court will determined the allegations filed by the complainant against the defendants. If the defendants are liable over the case then the Court will decide as to how much they (the defendants) will have to pay to the complainant as compensation which she sought over their alleged actions towards her.

**Evidences:**

Ken Jonas (first defendant) testified in Court that Charity (second defendant) her mother was in a fight with the complainant close to the airport Area. She said she slapped the complainant and the second defendant so as to stop them from fighting.

Asked by the Court that did he slapped the complainant, defendant Ken Jonas maintained the answer 'yes'.

**Findings of the Court:**

1. Charity (second defendant) was in a fight with the complainant. This is admitted by the first defendant.
2. The defendant involved in and slapped the complainant and the second defendant so as to stop them fighting.
3. The First defendant admitted that she slapped the complainant.

Amidst the first defendant's admission of liability over the allegations filed by the complainant against him, the Court hereby give the following orders:

**Court orders:**

It is ordered that:

- (1) The first defendant to pay to the complainant VT 5,000.
- (2) Pay VT 1,000 as costs




- (3) Appeal within 30 days as of today if dissatisfied with this orders
- (4) The second and the third defendant's case to be listed in the next available tour.



DATED AT GAUA THIS 10<sup>TH</sup> DAY OF OCTOBER 2012

BY THE COURT

  
.....  
Justice David Lug

  
.....  
Justice Badley George

  
.....  
Justice Phillip Morres Tabe

