

**IN THE MALEKULA ISLAND COURT  
HELD AT LAKATORO/ MALEKULA**

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(Civil Jurisdiction)

Civil Case No. 45 of 2009

**BETWEEN: GEORGE.M RANGONMAL**  
**(Original Claimant)**  
**AND: SETHY SAMUEL**  
**Counter Claimant)**

**MATTER: Disput ova long kastom nem ia "Rangonmal"**

**Jastices: Jastis Kalman Hapsai**  
**Jastis Wesley Tawi**  
**Jastis Maxwell Arnhampath**

**Clerk: Joel Jacob**

**JUDGMENT**

**Brief backgraon blong case:**

Civil Case # 45/2009 hemi wan kastomary matter concernem dispute ova long famli nem ia Rangonmal. Famli nem ia hemi blong Pinalum vilij long North East Malekula. Kes hemi bing fael long 2009 mo tudei 20/05/2013 hemi bing ko bifo long kot ia blong lukiuk long hem.

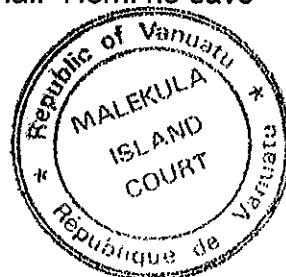
**Issue:**

Who nao long tufala patis ia hemi kat full raet blong save usum nem ia Rangonmal?

**Smol Histri blong case:**

**Original Claimant** – OC hemi putum nem ia long kot nomo from CC hemi stap usum blong winim ol kes long kot be, hemi no blong hem/hemi no ril blad blong hem. Hemi usum nem ia iko as far as long suprim kot. Hemi talemaot se long 1947, Sethy hemi bing saenem nem ia blong kam nem blong hem (OC).

Long ol kros examinesen kwisten, hemi ansarem olsemia: hemi talemaot se tufala ibing raorao from nem ia finis be hemi putum bifo long kot ia blong oli faenemaot raet man. Hemi riverem ol evidens blong hem long peij 5 mo hemi talemaot se kran fata blong Rangonmal hemi Perenmal be hemi no save papa blong perenmal. Hemi no save



abaot Lelegnaim be hemi save nomo se Lesinmal hemi ded from wan bikfala sik hemi kilim hem. Hemi talemaot se Rangonmal mo Lesinmal tufala kat 1 pikinini nomo. Hemi nomo save explenem from wanem Rangonmal hemi kat one pikinini ia nomo.

(ol Jastises oli bing askem hem, blong hemi riexaminetem spokesman blong hem be hemi se hemi nomo kat any qwisten blong askem long hem)

**Witniss.**

OC hemi kat 2 witniss.

1. Issac Naror. Hemi kam blong witnisim se Rangonmal hemi maretem Lelekmalemas woman Tautu, long Nakamal blong olketa stret.

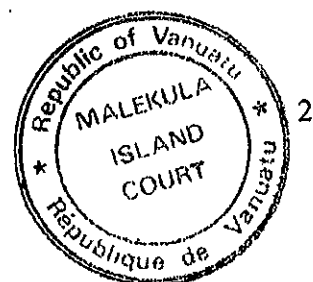
Long ol kros examinesen kwisten, hemi talemaot se hemi pat blong famili blong OC. Hemi no save papa blong Rangonmal be hemi save nomo se Rangonmal hemi maretem woman Tautu mo tufala ikat 1 pikinini nomo.

2. Malnaim Pascal. Hemi talemaot se every toktok blong hem oli tru toktok everyone. Maniora hemi stret ankel blong hem mo jiv Rangonmal hemi pem woman ia inside long nakamal blong hem.

Hemi talemaot pakeken long one kros examinesen kwisten se woman blong Rangonmal hemi blong Tautu mo Maniora hemi stret pikinini blong Lesinmal

**Counter Claimant.** CC hemi talemaot long kot ia se Rangonmal hemi maretem Leklekterinamel woman Rano mo tufala kat 6 pikinini. Hemi talemaot tu se Lessy fes bon blong Rangonmal hemi maretem 1 woman Rano be woman ia hemi kat bel finis blong Benua Kombe we tufala ikamaot long 1 nasara nomo (Ameltra). Pikinini ia nem blong hem Maniora. Also hemi talemaot se since taem we Lessy hemi maretem Lelekmalnaim, hemi no iven mekem eni kastom ceremony iko long hem from hemi save se pikinini ia Maniora hemi no pikinini blong hem. Taem Maniora hemi bikwan, hemi kam stap long Pinalum mo maretem wan woman nem blong hem Leah Kerker. Bifo we hemi kam stap long Maniora, hemi kat wan pikinini finis blong wan man Pinalum nem blong hem Shem. Tufala ijies sta kat 1 pikinini boe nem blong hem Georges. Lastly hemi talemaot long kot ia se hemi stanap strong long risen ia blong talemaot se hemi stret famili blong Rangonmal.

Long ol kros examinesen, hemi talemaot se nem blong papa blong woman blong Samuel hemi Masing Maki. Hemi koet blong talem se Lesinmal hemi nokat pikinini. Hemi no save kastom ceremony we ol man Rano oli kam mekem long Maniora. Hemi talemaot tu se Bosco hemi no papa blong hem from se hemi nokat insaet long stetmen blong hem. Hemi kampak blong talemaot se Rangonmal hemi kat 6 pikinini mo hemi maretem woman Rano. Taem Lessy hemi karem woman Ameltra ia, hemi no bonem pikinini ia yet. Taem hemi bon oli kam putum hem long Pinalum. Also hemi admittim se sipos hemi stap mekem 1 ceremoni iko long Maniora, bae naia hemi blong hem mo bae ino kat eni raro olsemia.



Long ol riexaminesen, hemi talemaot se taem Maniora hemi laef yet, hemi no klem Ragonmal kasem tete we OC hemi klemem.

**Witness**

CC hemi talemaot long kot ia se hemi kat 5 witness blong witnessim hem.

1. Jif Tolpis James. Hemi kam blong witnessim se Maniora hemi pikinini blong Benua Kombe blong Rano from hemi arem fulap taem long pupu blong hem Jif James mo mama blong hem Katleen James from tufala famili iko long Rano.

Long wan kros examinesen kwisten, hemi no save stret se Ragonmal hemi blong Rano wea stret, mo hemi no save se how nao Maniora hemi pikinini blong Benua. Hemi save nomo se Ragonmal hemi bikfala Jif blong Tenmeliv. Hemi talemaot pakeken se taem Maniora hemi bon, oli no mekem eni kastom ceremony long hem kasem tete from pikinini ia hemi no blong Lessy.

2. Johny Ruklili. Hemi talemaot se bifo we oli stap long Mae, Elder Samuel hemi kam karem olketa blong oli jensem laef blong ol mo hemi talemaot long olketa se bae oli pem ol smolsmol kraon long hem. Hemi kam blong talemaot long Maniora se bae hemi saenem pepa blong kraon ia be Maniora hemi talemaot olsemia "mi no famili Samuel Ragonmal blong saenem pepa ia, mi difren man".

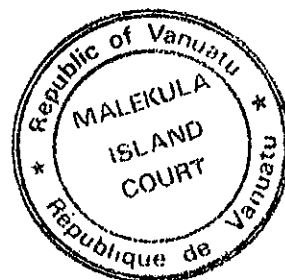
OC hemi kwistininim Johny se, how nao Maniora hemi divren man? Hemi ansarem se hemi no save mo hemi no save se toktok ia hemi talem long wanem way. Johny hemi talemaot long kot ia se hemi luk Maniora taem Maniora I laef yet.

Long riexaminesen kwisten, hemi talemaot se yes, long taem ia Samiel hemi stap kam skul wetem olketa mo taem oli kivim pepa blong saenem, hemi no wantem afta hemi talem toktok ia se hemi no pat blong Samuel Ragonmal.

3. Kalrong Kerker. Hemi kam bifo long kot ia blong talemaot se Maniora hemi no blong Pinalum be hemi blong Rano we mama blong hem I stap talem long hem everytaem nomo. Hemi talemaot se ino mama blong hem nomo we istap talem lo hem be, ikat ol tri narfala olfala we oli sta talem sem toktok nomo se hemi blong Rano (olfala Malakai, Jif Jack James mo olfala Frank).

Fulap kwisten ibing kam mo hemi ansarem olsemia se, hemi laef wetem Maniora. Hemi stap wetem Maniora taem we mama blong hem hemi ronwe. Hemi se mama blong hem hemi blong Pinalum be papa blong Maniora hemi blong Rano. Hemi talemaot tu se George hemi stret brata blong hem mo mama blong hem hemi Leah. Seken man blong Leah hemi Maniora mo pikinini blong Maniora hemi George.

Taem we CC hemi riexaminetem hem, hemi talemaot se hemi sapatem Samuel Sethy from se George hemi wan man blong kiaman.



4. Jif Mulonsusi. Hemi talemaot se hemi blong Rano long Ameltra nasara. Woman blong Lessy hemi kamaot stret long nasara ia nao. Taem we Lessy hemi maretem Lelekmalnaim, woman ia hemi kat bel finis long Maniora. Lastly hemi talemaot se Lessy hemi nomo mekem eni kastom bisnis iko long Maniora from hemi save se pikinini ia hemi no blong hem. Risen ia nao hemi witnisim se Rangoinmal hemi blong Sethy Samuel.

Taem oli askem kwistin long hem abaot Ameltra, hem I se yes hemi posibol nomo blong wan nara nasara hemi save ko tokbaot wan nasara insaet long Pinalum vilij. Hemi talemaot tu se hemi no save se Maniora hemi pikinini blong Benua be hemi talemaot se ol famili Benua nomo oli save long hemia. Taem oli riexaminetem hem abaot woman blong Rangonmal hemi talemaot pakeken se hemi blong Rano Village.

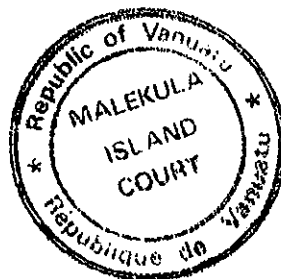
5. Amon Malrori. Hemi stanap long kot ia mo talemaot se Kalrong Kerker mo George Maniora tufala istret ankle blong hem. Hemi talemaot se pupu blong hem Maniora hemi no blong Pinalum be hemi blong Rano. Also hemi talemaot se George hemi no kat raet blong usum nem ia. Every toktok ia, pupu blong hem Leah hemi stap talem long olketa fulap taem taem hemi laef yet.

Fulap kwistin ibing reis abaot Maniora mo Rangonmal be witniss ia hemi no save ansarem olketa.

**Afta long toktok blong tuketa partles, kot hemi kam long olketa findings ia folem issue we istap;**

- Spoksmen blong OC hemi talemaot long kot ia se hem wan ino save papa blong Rangonmal mo ino kat ol nara family nems blong apruvum stetmen long famili tri.
- Kot hemi faenemaot se ol toktok blong OC oli no kwalifaem hem inaf blong tekem nem ia Rangonmal.
- Witniss Malnaim Pascal hemi talemaot long kot ia se hem tu hemi no save papa blong Rangonmal.
- Spoksmen mo ol witniss blong OC oli no save ansarem, or klarifaem ol kwistin blong CC
- Kot ifaenemaot se OC hemi kat 1 witniss nomo.
- Kot hemi faenemaot se OC hemi blong Pinalum be bifo long kot ia, inokat wan man Pinalum I witniss blong hem.
- Kot hemi wantem talemaot long George se papa blong hem hemi Maniora.
- Rangonmal hemi no blong OC
- Kot hemi faenemaot se stetmen blong CC mo famili tri blong hem hemi klia bitim stetmen mo famili tri blong OC.
- CC hemi kat 5 witniss everyone we oli talemaot se Rangonmal hemi no stret papa blong OC, be hemi stret papa blong CC.

**Law we Court I applaem:**



CAP 167 (s.10) – Application of customary law

Subject to the provisions of this Act, an island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order.

**Translate:**

CAP 167 (s.10) – Kot hemi mas applaem kastom

Subject long seksen blong Act ia, aelan kot hemi mas aplaem kastom we istap insaed long eria mo paoa blong hem, spos oli no gat conflict wetem eni loa we oli stap raetem, mo no gat konflik tu wetem jastis, morality mo gudfala orda.

**Apply Law igo long fact:**

Court emi tekem decision follem customary system blong titlelism long each eria customary way.

Long this fala case Court ifinem se eria in dispute blong famili nem ia emi base long customary bladline system, hemi minim se taetol blong nem ia Rangonmal emi inherited tru long laef blad.

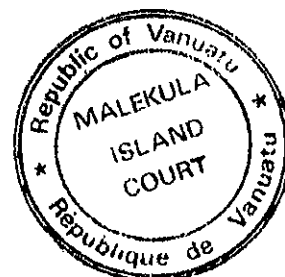
**Decision:**

**Wetem every toktok mo ol findings blong kot, kot hemi rule se;**

1. Sethy Samuel nao hemi stret Son blong papa Rangonmal.  
(Rangonmal hemi stret papa blong Sethy Samuel)

Anyone long tufala paties ino akri long dicisen ia, hemi kat 30 deis blong Apil stat from tudei 24<sup>th</sup> dei blong May 2013.

**Dated at Lakatoro this 24<sup>th</sup> day of May 2013.**



BY THE COURT

.....  
Justice Kalman Hapsai

.....  
Justice Wesly Tawi

.....  
Justice Maxwell Arnhampath

