

**IN THE MALEKULA ISLAND COURT**  
**OF THE REPUBLIC OF VANUATU**

Civil case 15 of 2015

**BETWEEN: ELIA TABI**

Originated from Pentecost, Living at Mahe vilij,  
Central Malekula

**AND: ROBLAIN TALLET**

Of Mahe vilij, Central Malekula

**Coram: Justice Douglas Fadal**  
**Justice Kalman Hapsai**  
**Justice John Wesly Tawi**

**Clerk: Collyne Maki**

**Court Venue: Lakatoro, Court House**

**Date of Judgment: Tuesday 22 September 2015**

**Claimant: Present**  
**Defendant: Present**



# JUDGMENT

An application was filed by the claimant on the 14<sup>th</sup> of September 2015 seeking for the defendant to pay for six (6) stem of kava in which he claims that the defendant and a few other family members have stolen it from his garden on the 03<sup>rd</sup> of September 2015.

The application was presented by the clerk before the court of the matter to be heard. The claimant admitted the claim being filed to be his. The defendant stated and objects to the claim made against him which leads to a trial process in court.

During trial process the claimant stated in court that the Kava stem were stolen in three different years in 2010, 2012 and 2015. His first witness HorasioTarlili confirmed in court that he did observe the garden where the kava was stolen this year 2015 belonged to the claimant but did not know who stole the kava. His second witness ChilleKaltali mentioned in court that he assessed stolen kavas made in Elia Tabi's garden during the year 2012 and 2015 after it was seen by Revelino who is currently in Vila and told Chille who went to observe.

The defendant responded and confirmed in court that in the year 2012 his father phoned the claimant while he was jailed in Santo and told him that there was a dead in the Vila if ok to harvest some of his kava to contribute to the dead in which the claimant agreed upon and was dug out by his father in law. He further mentioned that the kava planted in 2010 he does not know who stole the kava and in 2015 his witness Jean Rene Moltovan confirmed in court that the defendant harvested a stampa of kava but it was in the defendants' garden that was planted by his witness Jean Rene.

## FINDINGS

The court findings were:

- The stolen kava in 2010 were not taken by the defendant this was found out during cross examination process in court
- The kava being dug in 2012 was dug out by the defendants father after digging the kava stem he later informed the claimant by phone while he was in Santo
- The kava being dug out on the 3<sup>rd</sup> of September 2015 belonged to the defendant



**UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:**

**ORDERS**

1. The defendant to pay for only one (1) kava stem an amount of VT 4.000, in which VT 3.000 is for the kava and VT 1.000 is for the court fee.
2. If either parties do not agree with the Judgment within 30 days upon receiving Judgment have the right to appeal to the Magistrate Court has stated in the Island Court Act CAP 167 section 22 Subsection (1) stated " *Any person aggrieved by an order or decision of an Island Court may within 30 days from the date of such order or decision appeal there from to (b) the competent Magistrates court in all other matters*"



Dated at Lakatoro this 22 September, 2015

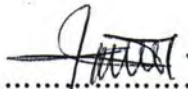
BY THE COURT



.....  
Justice Kalman Hapsai



.....  
Justice John Wesly Tawi



.....  
Justice Douglas Fadal

