

BETWEEN: MARIMELU KALMELU
Claimant

AND: ANDREW KALONTAS
Defendant 1

AND: PHILIMON PAKOALAEAE
Defendant 2

JUDGMENT

Coram: Hon. Justice Harry Joshua (Presiding Justice)
Hon. Justice Daniel Frank
Hon. Justice Ann Carlo

Court Clerk: Alida Tchivi and Nailyn Abel

Date of Hearing: Monday 10th August 2015 and Tuesday 11th August 2015
Date of Judgment: Tuesday 11th August 2015 – Time: 16:15pm

Court Venue : Dumbea, Port-Vila, Efaté, VANUATU

IN THE MATTER OF: PRINCIPAL CHIEF BLONG ESEMA CUSTOMARY LAND

I kat wan Island Court Claim we Marimelu Kalmelu hemi faelem long Wednesday 30th May 2012 long 3:15pm long afternoon. Marimelu Kalmelu hemi apply i kam long court ia mo askem court ia blong declerem hem olsem Principal Chief blong Esema Customary Land hemia long North West blong Efate Island insaet long Shefa Province.



Long matter blong Section 10 blong Efate Island Court ACT [CAP 167] mo hemi matter blong Principal Chief blong Esema Customary Land, North-West Efate.

After we Island Court Clerk hemi readimaot name blong case loud mo briefim matter we hemi stap before long Efate Island Court hemia blong determinem mo declarem “Marimelu Kalmelu olsem Principal Chief blong Esema Customary Land”, i no gat any objection long olgeta Justices we oli nominated blong sitaon mo harem matter ia, therefore court hemi proceed mo harem application blong PHILIMON PAKOALAEAE olsem wan interested party long case ia mo court hemi grandem application ia mo continue blong harem application mo sworn statement blong claimant MARIMELU KALMELU.

Further more long hemia, claimant MARIMELU KALMELU hemi mekem wan narafala “Application for Discontinuance of Proceedings” bageken i kam long Efate Island Court follèm Article 2 blong Order 9 long Island Courts (Civil Procedure) Rules blong 1984 long law blong Island Court Act CAP 167 we hemi olsem:

“If, after the date fixed for the hearing, the plaintiff desires to discontinue any cause or to withdraw any part of his alleged claim, or if a defendant desires to discontinue or withdraw a counterclaim or any part thereof, such discontinuance or withdrawal may, in the discretion of the court, be allowed on such term as to costs and as to any subsequent cause or otherwise as the court may consider just.”

Court hemi harem “Application for Discontinuance of Proceedings” long case we claimant Marimelu Kalmelu i mekem then court ia hemi allowem tufala defendants Andrew Kalontas mo Philimon Pakoalaelae blong givim tinktink blong tufala long “Application for Discontinuance of Proceedings” ia.

After we court ia hemi karem tinktink blong tufala defendants, court ia hemi considerem cost blong olgeta parties mo blong court mo semtaem right blong wanwan man therefore court hemi stap mekem OLGETA COURT ORDERS olsem:

COURT ORDERS

1. Efate Island Court hemi stap strickemaot Chiefly Title Case Number 2 OF 2012;
2. Plaintiff Marimelu Kalmelu bae hemi must pem ‘Fifteen Thousand Vatu’ (15’000vt) i go long 1st Defendant Andrew Kalontas;
3. Plaintiff Marimelu Kalmelu bae hemi must pem ‘Fifteen Thousand Vatu’ (15’000vt) i go long 2nd Defendant Philimon Pakoalaelae;
4. Plaintiff Marimelu Kalmelu bae hemi must pem ‘Five Thousand Vatu’ (5’000vt) i kam long Efate Island Court olsem wan court fine;

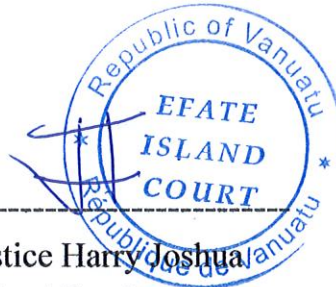


5. Court hemi givim wan manis long plaintiff Marimelu Kalmelu blong mekem payment i go long tufala ia Andrew Kalontas mo Philimon Pakoalaelae within 30 days start from today 11th August 2015;
6. Court hemi givim time long Marimelu Kalmelu kasem Friday 21st August 2015 blong pem court fine i kam long Efate Island Court follem order number 4;
7. Philimon Pakoalaelae hemi save faelem wan niufala claim i kam long Efate Island Court sapos hemi think se hemi still gat raet blong chief over long custom jurisdiction ia blong Esema;
8. Every parties i gat right blong appeal within 30 days start from today 11th August 2015.


BY THE COURT



Justice Ann Carlo



Justice Harry Joshua
(Presiding Justice)



Justice Daniel Frank