

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU

Civil case 05 of 2016

BETWEEN: ANDRINA BENJAMIN

Of Senal Lakatoro, Central Malekula

AND: KATA SERAKE

Of Senal Lakatoro, Central Malekula

Coram: Justice Douglas Fadal

Justice Robert Niptick

Justice John Wesly Tawi

Clerk: Collyne Maki

Court Venue: Lakatoro, Court House

Date of Judgment: Tuesday 22 March 2016 February 2016

Claimant: Present

Defendant: Present

JUDGMENT

An application was filed by the claimant seeking before the court against the defendant deformation. She claims that the defendant had been talking or gossiping within the community that she had given birth to a baby girl and the baby girl sis for her husband namely Sackie Assial. She confirmed in court that the defendants' husband is his brother in law and could not have an affair with her brother in law. Her husband Mr Johnathon Benjamin confirmed in court that the baby girl belongs to him. Her witness also Mr Kammy confirmed in court that the defendant had told him that the baby belongs to her husband.

The defendant admits the claim made against her and further mentioned in court that she had been telling people about the baby because her friends have been approaching her and asking whether the baby belongs to her husband due to the baby looks like her daughter when she was a baby.



FINDINGS

- The defendant has no proof that the her husband and the claimant have had an affair
- The claimants husband Mr Johnathon Benjamin confirmed in court that the baby belongs to him

UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:

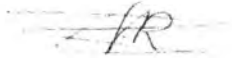
ORDERS

1. Commencing from 23 March 2016 the defendant Ms Kata Serake to STOP talking about and claiming that the claimants baby belongs to your partner Mr Sackie Assial
2. The defendant Ms kata Serake is to pay a fine of VT 5000 to the claimant and her husband as a reconciliation of destroying her reputation within their community
3. The claimant has the right to file an enforcement case to be heard before the Senior Magistrate if the defendant failed to obey the court order
4. 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 March , 2016

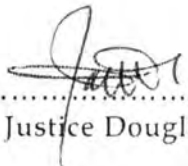
BY THE COURT



Justice Robert Niptick



Justice John Wesly Tawi



Justice Douglas Fadal