

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

Civil case 06 of 2015

**BETWEEN: JOHNSLEY JERRYBONG**

Of Winn village North West Malekula

**AND: ANDREW VISAI**

**AND: EDWARD VILVIL**

Of Winn village North West 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

Claimant: Present  
Defendant: Present

**JUDGMENT**

An application was filed by the claimant seeking before the court an amount of VT 49400 towards damage to property. The claimant claims the damage made to his canoe during the year 2012. He further claims the canoe was placed by the beach and the defendants light a fire to burn wild cactus plant along the beach around the beach area that belongs to Mr Edward Vilvil and the fire was carried by the wind and destroyed the canoe. He further mentioned that Mr Edward Vilvil agreed to repair the canoe at his own expense but only half of the canoe was fixed this causes the claimant to file this application before the court to deal with the matter.

The defendant denies claim made against them as verbally mentioned by Mr Edward Vilvil on behalf of him and Mr Andrew Visai and stated that they did not mean to destroy the canoe as it was nature as the wind that carried the fire towards the canoe and destroyed it. He further stated that he agreed in repairing the canoe and





has repaired it and refunds some of the fishing lines being burnt. He further mentioned that he only done repair on the areas of the canoe that was burnt by the fire, but the claimant did not agree as he wanted the whole canoe to be repaired. If mentioned that if the claimant wants him to pay the amount then he returned all that he had done to the canoe and he would pay for the amount being claimed.

#### **FINDINGS**

- The defendants confirmed they had made the fire burning wild dried cactus plants by the beach
- Both parties confirmed in court that not the whole canoe was burnt only a few part of the canoe was burnt
- The defendants mainly Mr Edward Vilvil confirmed in court that has paid a few fishing lines in replacement of the burnt ones and has repaired half of the canoe being burnt

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

#### **ORDERS**

1. The defendant will not pay the amount of VT 49.400
2. The defendants will only pay for the 200 pound roll string to replace the burnt one
3. The claimant has the right to file an enforcement case if the defendant failed to pay the fine.
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

