

**IN THE ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

**Civil
Case No. 15/14 IC/CIVL**

BETWEEN: KALO LUI
Of Binalum villij, Northeast Malekula
Claimant

AND: LILIAN MALMETESO
LEWRA MALMETESO
ROBSEN ALICKSAN
Of Binalum vilij, Northeast Malekula
Defendant

Date of Hearing: ***16 August 2016***
Before Justices: ***Douglas Fadal, Robert Niptick, Kalman Hapsai***
In Attendance: ***Claimant in person, Defendants in person***

JUDGMENT

Mr Kalo Lui I filem kes agensem ol defendants long namba 06 dei blong July 2016 and mekem ripot agensem ol defendants blong kleimem kastom raets long ol propertys and also damage blong Human raets blong em. Emi statem long kleim blong em se mama blong em I bonne memo abandonnem em blong ol sista blong mama blong em nao oli lukaotem em. Emi kleim se mama blong em I neva talem long em se papa blong em emi whu. Further mo emi talem se pupu blong em (claimer) emi gem wan smol ples



blong kokonas long em we emi blong mama blong emi wok long em. Afta samtaem emi ko liv long Vila and taem emi kam bake mi luk olsista blong emo li stap usum kokonas plantation ia and emi talem long mama blong em blong I talem long ol sista blong em blong oli stop. Mama blong em I respond long em mo talem se bae ol sista blong em nao oli usum plantation ia. Emi stap askem long kot blong emi gem bak plantation ia long em, ol sista blong em mo ol man blong olgeta bae oli staop blong usum plantation ia and blong mama blong em I no abandonnem em olsem fes bon son blong em.

Trifala witness blong claimer Magren Seckar, William Yase mo Janet Jovinmal oli kam confemem long kot se plantation we ol sista blong Kalo oli stap usum emi blong Kalo we mama blong em I gem finis long em blong emi usum and emi ko liv wetem man blong em Mr Jay Malmetesos.

Ms Lilian Malmetesos we emi toktok on behalf blong olgeta defendant emi respond long kot mo talem se yes emi kokonas fes wan long claimer and second wan long smol brat blong claimer.

Fes witness blong defendant Mr Morris Lui emi talem long kot se ol coconas mo nara property long eria blong Laep emi blong defendant mo husband blong em be emia long eria blong Beterus emi blong claimant.

Secon witness emi Mr Jay Malmetesos we emi husband blong defendant emi talem long kot se smi no ronem Kalo (claimer) olsem we emi statem long statement blong em, claimer emi liv wetem em long haus blong em kasem tedei. Emi further talem tu se ol coconas long Lalep emi blong boe blong em mo Lilian be emi long Beterus emi blong Kalo.

Las witness emi maten Metesos emi talem long kot se ol coconas long Lalep emi blong Malmetesos be emi long Beterus emi blong Kalo.

COURT FINDINGS

Afta we kot I harem toktok blong evri parties kot I faenem maot se:



1. Ol witness blong claimer oli confemem long kot se ol coconas long Beterus emi blong Kalo Lui we mama blong em defendant emi gem long em finis afta emi tekemaot bakgegen
2. Kot emi harem tu we defendant emi talem maot nem blong papa blong Kalo Lui afta long amas yia we emi no wandem talem maot
3. Ol witness blong defendant oli confemem tu se ol coconas long Beterus emi blong Kalo and emia long Lalep emi blong defendant Lilian mo man blong em Jay Malemeteso

ORDERS

1. Ol coconas long eria blong Beterus emi blong Kalo Lui.
2. Ol coconas long eria blong Lalep emi blong Jay Malmetesos mo wife blong em Lilian Malmetesos.
3. Sapos tufala defendants I no obey long ol oda afta long 30 days any party I save kam filem kes blong Review or Enforcement long Aelan Kot.
4. Evri parties I gat raet blong apil agensem decision sapos tufala no hapi long decision follem Aelan kot ACT CAP 167 section 22.



Dated at Lakatoro this 16th day of August 2016

BY THE COURT



Justice Robert Niptick



Justice Kalman Hapsai



Justice Douglas Fadal