

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

Civil case 22 of 2015

**BETWEEN: KAMILO SHIRE**

Of Womul village North W Malekula

**AND: REDISON SHIRE**

Of Womul village North W Malekula

Coram: Justice Douglas Fadal  
Justice Johnsen Frazer  
Justice John Wesly Tawi

Clerk: Collyne Maki

Court Venue: Lakatoro, Court House

Date of Judgment: Wednesday 24 February 2016

Claimant: Present  
Defendant: Present

**JUDGMENT**

An application was filed by the claimant against the defendant and claiming an amount of VT 40.000 of damage made to his garden caused by the defendants' cow (buluk). He claimed the damages were made during the month of March 2014. He further mentioned that after the cow entered his garden he told his brother to pay for the damages but failed to do so, which causes him to kill the cow when it entered his garden again. He stated that the defendant had made a report within the police department for the claimant to pay an amount of VT 30.000 to the defendant for killing the cow in which he had paid for VT 20.000 and still holding onto the VT 10.000 because of his damaged garden.

The defendant responds and stated that not only his cow had been trespassing into the claimants' garden but also pigs and other cows belonging to other people.

**FINDINGS**



- The claimant killed the cow in his garden which shows that the defendants' cow had been damaging the claimants' garden.
- The defendant stated in court that the claimant had paid an amount of VT 20.000 towards his cow that had been killed that proves that his cow causes damage to the claimants garden

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


**ORDERS**

1. The defendant to pay damaged causes to the claimants garden an amount of VT 36.000 in which VT 1.000 is for the court fee and VT 35.000 is for the damages
2. The defendant has to complete the payment within three months. By the end of May 2016 the whole amount of VT 36.000 to be paid
3. If fines are not made both parties have the right to file and Enforcement case.
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 24 February 2016

BY THE COURT



.....  
Justice Douglas Fadal



.....  
Justice John Wesly Tawi



.....  
Justice Johnsen Frazer

