

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

Debt Case No. 16/1447 IC/DEBT

BETWEEN: AMATU MAURI HANDICRAFT
ASSOCIATION
Claimant

AND: FRANÇOIS YOVINGMAL
Defendant

Coram: *Hon. Justice Daniel Frank (Presiding Justice)*
Hon. Justice Tomson Andrew
Hon. Justice Francis Aru

Court Clerk: *Alida Tchivi*

Date of Hearing: *Friday 29th day of July 2016*

Date of Judgment: *Friday 29th day of July, 2016 in the Morning*

Court Venue: *Efaté Island Court – Court Room, Joint-Court Ontop, Port-Vila.*

Attendees: *Claimant appeared in Court while there is no appearance for the Defendant*

DEFAULT JUDGMENT

An application has been filed by **Amatu Mauri Handicraft Association** who is the Claimant before this court in pursuant to Rule 1(2) of the Island Court Procedure Rules of 2005.

This is a normal civil claim for breach of contract between the Claimant and the Defendant namely **François Yovingmal**. The Claimant alleged that on the 18th day of June 2015 the Defendant and himself, entered into an agreement. The agreement was for the Defendant to borrow money from the Claimant's business of money lending with a fortnight loan repayment of *Twenty Percent (20%)* interest. The principal amount borrowed is Seventeen Thousand Vatu. Claimant stated clearly on his statement that the Defendant failed to comply with the agreement and the outstanding Vatu claimed by the Claimant is now *Fifty Thousand Vatu (50'000 Vt)*.

Both parties were summoned and served directly. This matter was supported in open court. Claimant appeared in Court at the time and date of hearing when called; however Defendant was not present and that no reason was given for his non-appearance. Court has noted on the Court Deposition that Defendant has also not filed his Defence.



Island Courts (Civil Procedure) Rules No. 028 of 2005 (2) – Non-Attendant of defendant reads: If a defendant does not appear at the time for the hearing of the claim, the court shall, provided it is satisfied that the statement of claim has been served on the defendant and that there is no good reason for the defendant's non-attendance: (d) determine in the absence of the defendant the claim of the claimant.


The Court is satisfied and therefore, the Court proceeds with the determination of the matter in the absence of the defendant.

Having read, heard and considered the application of claim made by the Claimant in this matter Amatu Mauri Handicraft Association on behalf of his unpaid sum;

This Court is satisfied and hereby makes the following Orders:

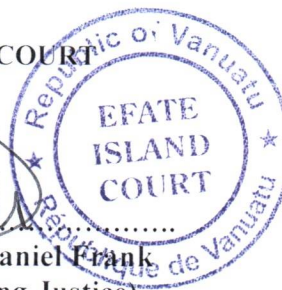
1. The Defendant 'François Yovingmal' is ordered to pay 10'000 vatu every month commencing end of August 2016 and shall continue every end of each month until the Debt Vt 50'000 is paid in full.
2. All payment to be made directly to Amatu Mauri Handicraft Association, the Claimant.
3. Both parties need to respect and comply with these orders. Failure to the above, party may apply orally or in writing to the Supervising Magistrate for Enforcement of the order or judgment if it remains unsatisfied.
4. Parties have a right to appeal from that judgment to the Magistrate's Court within 30 days from the date of this judgment

Dated at Port- Vila, the Friday 29th day of July, 2016


.....
Justice Tomson Andrew

BY THE COURT


.....
Justice Daniel Frank
(Presiding Justice)




.....
Justice Francis Aru