



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

Debt Case No. 16/3102 IC/DEBT

BETWEEN: PAUL TOM HIWA
Claimant

AND: SHIRLEY BROWN
Defendant

Coram: *Hon. Justice Francis Aru (Presiding Justice)*
Hon. Justice Metoloa Silu Poilapa
Hon. Justice Nicholas Kaluatman

Court Clerk: *Alida Tchivi*

Date of Hearing: *29/07/2016, 22/08/2016 and 21/09/2016.*

Date of Judgment: *Wednesday 21st day of September, 2016 at 10:32 am*

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 **Paul Tom Hiwa** who is the plaintiff 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 formal contract between the Claimant and the Defendant namely **Shirley Brown**. The Claimant alleged that on or around November 2015 the Defendant and himself, entered into a written agreement. The agreement was for the Defendant to borrow money from the Claimant's Business Lending Scheme namely 'Mohil Lending & Micro Loan Scheme' with a fortnight loan repayment of *Twenty Percent (20%)* interest. The principal amount borrowed is Thirty Thousand Vatu. Mr Hiwa stated clearly on his statement that the Defendant paid only *Fourty-Two Thousand Vatu (42'000Vt)* in various instalments but she still failed to comply with the agreement and the outstanding Vatu claimed by the Claimant is now *Fifty Thousand Vatu (50'000Vt)*.

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.

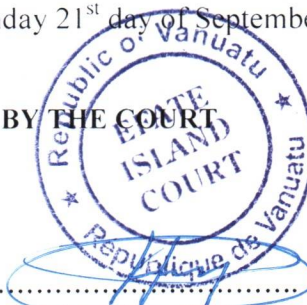
Having read, heard and considered the application of claim made by the Claimant in this matter Paul Tom Hiwa on behalf of his unpaid sum;

This Court is satisfied and hereby makes the following Orders:

1. The Defendant 'Shirley Brown' is ordered to pay 25'000 vatu every month commencing end of September 2016 and final payment by end of October 2016 to complete the outstanding amount of 50'000 vatu.
2. All payment to be made directly to the **Bank Account Number 1504177** at the **ANZ Bank** in the name of '**Dorothy Mohil**'.
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 judgement

Port- Vila, Monday 21st day of September, 2016.


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Justice Metoloa Silu Poilapa

BY THE COURT

.....
Justice Francis Aru
(Presiding Justice)


.....
Justice Nicholas Kaluatman