

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

Debt Case No. 16/1467 IC/DEBT

BETWEEN: CHRISTIAN BULE  
Claimant

AND: JOHN NALWANG  
Defendant

Coram: *Hon. Justice Thomson Andrew (Presiding Justice)*  
*Hon. Justice Timothy Kalangis (Member)*  
*Hon. Justice Diana Kalsong (Member)*

Court Clerk: *Alida Tchivi*

Date of Hearing: *25/05/2016, 17/06/2016, and 25/11/2016.*

Date of Judgment: *Friday 25<sup>th</sup> day of November, 2016 at 9:40 am*

Court Venue: *Efate Island Court CourtRoom at Joint-Court, Ontop.*

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

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## DEFAULT JUDGMENT

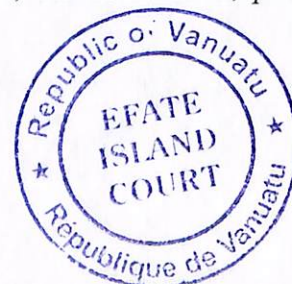
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An application has been filed by 'Christian Bule' of Malekula Island who is the plaintiff before this court in pursuant to Rule 1(2) of the Island Court Procedure Rules of 2005.

Plaintiff is seeking orders from the Island Court to order 'John Nalwang' of Aniwa Island, the defendant to pay fifty thousand vatu considered as a Debt.

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 filed a counter-claim on the thirteenth day of June 2016.

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:

- (c) Strike out any counter-claim or set-off filed by the defendant;
- (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.

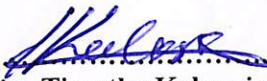
**Having read, heard and considered** the application of claim made by the Claimant in this matter Christian Bule on behalf of his unpaid sum;


**This Court is satisfied and hereby makes the following Orders:**

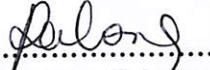
1. The counter-claim filed by the Defendant on the thirteenth day June 2016 is strike out.
2. The Defendant 'John Nalwang' is ordered to pay 50'000 vatu in full by end of December 2016 directly to the **Bank Account Number 0116294001** at the **National Bank of Vanuatu (NBV)** in the name of '**Christian Bule**'.
3. Failure to comply with the order 2, party may apply 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, Friday 25<sup>th</sup> November 2016.

BY THE COURT

  
Justice Timothy Kalangis  
(Member)

  
Justice Tomson Andrew  
(Presiding Justice)

  
Justice Diana Kalsong  
(Member)

