

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

Debt Case No. 16/3613 IC/DEBT

BETWEEN: **RODRICE MULONTURALA**  
Claimant

AND: **GEORGE TOARA**  
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: *Friday 25<sup>th</sup> day of November, 2016.*

Date of Judgment: *Friday 25<sup>th</sup> day of November, 2016 at 11:10 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 'Rodrice Mulonturala' 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 'George Toara' of Tongoa Island, the defendant to pay *Thirty Six Thousand Six Hundred and Fifty Four 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. 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 Rodrice Mulonturala on behalf of his unpaid sum;


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

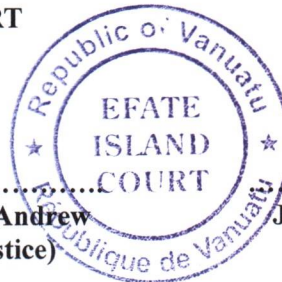
1. The Defendant 'George Toara' is ordered to pay 18'327Vt by end of November 2016 and final payment of 18'327Vt by end of December 2016 to settle in full the Debt Vt 36'654.
2. All payment to be made directly to the Claimant '**Rodrice Mulonturala**'.
3. Failure to comply with court order 2, Claimant 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)