

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU

Civil case 21 of 2014

BETWEEN: JEANNOT MALCEKAN

Of VAO vilij, Unmet N/E Malekula

AND: TADY TEILEMB

Of VAO vilij, Unmet N/E Malekula

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

Clerk: Collyne Maki

Court Venue: Lakatoro, Court House

Date of Judgment: Thursday 25 February 2016

Claimant: Present
Defendant: Present

JUDGMENT

An application was filed by the claimant an application claiming an amount of VT 75.240. In accordance to the Island court Act the law allows an individual a claim of an amount of VT 50.000 and below and willing fully agrees on an amount of VT 49.000 to be claimed. The reason to his claim was because on the 13th of June 2014 the defendant and his crew have threatened the crews of MV Christy Leigh which causes the crews to flee along with all his cargo and ended up dropping them at Litzlitz wharf. He further mentioned had filed the issue within the village level on the 15th of June 2014 and dealt with issuing the defendant a fine of VT 2.000 towards the pasis and VT 10.000 for transport from VAO to Litzlitz and return. The defendant had paid the pasis fine but failed in paying the transport fine and told the claimant to file his claim in the higher court which made the claimant to come and file the claim within the Island Court. As evidence he attached a copy of the village court decision, copy of receipts attached to his claim. His two witnesses Ms Diane Malcekan and Mr



Peter Meltekral confirmed in court that the defendant and his crew threatened the Supercargo and the crews not to drop of cargos' at the pasis which causes the crews to flee and drop of the cargos at Litzlitz wharf.

The defendant appeared before the court on the 22nd of September 2015 appeared and denies the claim made against him. He mentioned in court that he was mad with the crew because they have not delivered his bag of cements and he further mentioned that not only him who threatened the crew but also some other village people.

FINDINGS

- The boat person and the daughter to the claimant confirmed in court that on the 13 June 2014 the defendant did threaten them as they were dropping of cargos at the pasis
- The defendant failed in complying with the Chiefs decision and also he signed an MOU in agreeing to paying for the claimants transport expenses
- The defendant failed to appear before the court along with his witnesses even after directly summoned and signing a proof of service

UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:

ORDERS

1. The defendant TADY TEILEMB to pay the amount of VT 18.000 and the court fee. In which VT 1.000 is for the court fee and VT 7.000 is for transportation
2. The payment to be made by end of March 2016
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

