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**IN THE ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Other Jurisdiction)

**Civil
Case No. 16/2624 IC/CIVL**

BETWEEN: LAMBERT MALESSY
Claimant

AND: CHIEF JEAN PAUL SOVRINMAL
Defendant

Date of HEARING: *21st day of June, 2017 at 8:00 AM*

Before: *Justices Douglas Fatal –Chairperson*

Justice Johnsen Frazer

Justice Lorna Bongvivi

In Attendance: *Claimant – Present*

Defendant- Absent

Clerk: *Collyne Tete Maki*

JUDGMENT

The matter was listed before the Court twice. Firstly on the 17th day of August 2016 which the claimant was present and the defendant were absent. The Court made an order for the defendant to be summoned again to appear before the court on the 22nd of June 2017 but yet he failed to appear before the Court.

Mr. Lambert Malessy originally from Rano village, Northeast Malekula filed an application against Chief Jean Paul Sovrinmal originally from Rano village, Northeast Malekula. The application was filed on the 04th of August 2016. The claimant claims against the defendant that on or about the month of October 2015 he paid an amount of VT 5,000 to the Rano Council of Chiefs through the defendant but from then on they failed to process his case to Court. His approached to the defendant through Chief Rarua Simbolo originally from Walla Village Northeast Malekula for the money to be refunded but still he failed. He further stated



in Court that Council of Chiefs of Walla made a letter to him dated 21st of February 2016 and mentioned in the letter to refund him the money but still failed to do so.

The defendant was not present before the court even after being summoned twice by the Court.

FINDINGS

The court finds that the;

1. The defendant failed to appear before the court after being summoned twice
2. There was a letter from Rano Council of Chiefs to the claimant that stated they will refund the amount of VT 5,000 but still failed to do so

Therefore the court hereby makes the following orders:

ORDERS

1. Chief Jean Paul Sovrinmal to pay the total amount of VT 6,000 to the claimant by 22 July 2017 at 4:30pm.
2. In accordance to the Island Court ACT CAP 167 section 22 states “ ***Any person aggrieved or not happy by an order or decision of an island court may within 30 days from the date of such orders to decision appeal therefrom to the Magistrates court*** ”
3. The appeal date will commence from the date the clerk issued out the Judgment to both parties
4. The claimant or the defendant of the case after 30 days of appeal had been lapsed has the right to file an **ENFORCEMENT** case within the Island Court to be heard by the Supervising Magistrate if the defendant **FAILS** to comply with the Island Court Orders.

DATED at Lakatoro this 21ST day of June, 2017.

BY THE COURT

