

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

Chiefly Title
Case No. 16/3809 IC/CHFT

BETWEEN: OBED THOMAS

Claimant

**AND: MARY MOMO KULKUL represented by
Mr Saro Kulkul**

Defendant

Date of HEARING OF *23rd day of August, 2017 at 8:00 AM, ORAL*

APPLICATION: *ORDERS made on the 24th day of August 2017*

Before Justices: *Morris Knos (Chairperson), Roy Morrison & Mohil Tom*

In Attendance: *Claimant - Obed Thomas*

Defendant - Mary Kulkul

Clerk: *Ms Maki Collyne*

JUDGMENT

Paama Island court hearing I bin stat long namba 23 dei blong manis Okis 2017 kasem namba 24 dei blong Okis 2017 we kot I gem maot Oral Judgment blong em. Kot I bin sit daon long vilij blong Tahii and usem rural training center blong court hearing.



Original kleima blong kes emi Mr Obed Thomas originally blong Vauleli vilij saot blong Paama aelan emi filem kleim blong em long namba 23 dei blong manis Okis 2016. Mo emi filem kes agensem Ms Mary Momo Kulkul blong Lehili vilij Paama aelan.

Issue bifo long kot emi blong kot I faenem maot se whu long tufala parties ia I stret ona or Jif blong nasara ia Amalhalu long Lehili village South blong Paama Aelan.

Bifo original kleima emi tokbaot histori blong em emi askem long kot blong mekem amendments long claim blong em from typing error we kot I allowem and emi mekem. Long ammendments long kleim emi mekem long fes page blong kleim blong em point namba 3 subsection 5 name blong witness emi *Alick* I no *Alice*, long next claim blong em paragraph 6 nem blong boe long Bob Maki emi Otil I no Yoan. Long page blong family tri blong Amalhalu fes generation emi Maki and second generation em Bob.

Emi further read tru long kleim blong em mo tokbaot kastom histri blong em mo I talem se:

Lehili emi wan vilij we I stap bitwin Tavulai mo Kelai vilij mo I formed by 3 nasara namely Vatimeral, Amalhalu mo Vakeri. Emi further talem se i gat wan Lipsepsep nem blong em "Varangveat" we I family nem blong blong nasara blong Amalhalu. Ol family blong nasara oli killem ded Lisepep ia mo afta we emi ded emi mekem ol man blong nasara ia oli stap ded mo ded evriwan. I gat wan man nomo I laef and lukim se ol man I stap ded mekem emi mov I ko stap long Tahalnaten vilij mo nem blong mania emi Maki Bob. Maki Bob emi ko laef wetem ol family long Sofowi. Oli givim wan woman oialep long em blong emi maretem nem blong em Leival. Tufala I maret mo gat tu pikinnini, wan boe nem blong em Otil mo wan gel nem blong em Naomie. Otil emi bin liv mo wok long Vila long 1942 mo bin ded long World Wr 2. Naomie nomo I laef I stap mo I maret I ko long Vauleli vilij mo gat tu boe we fes bon emi Daniel and second bon emi Paul. Daniel I ded mo Paul nomo I laef we pikinnini blong em nao emi kleima blong kes ia Mr Obed Thomas.

Kleima emi gat tri witness Mr Alick Hokau, Mr Mael Robert we Mr Philip Robert nao I toktok on behaf blong em mo Mr Tom Jack. Trifala witness ia I kam mo tokbaot long kot se I gat tri nasara long Lehili vilij. Oli talem tu se kleima nao emi stret bladline blong Amalhalu nasara. Oli confemem long kot se only surviving person blong nasara



ia emi Maki Bob we pikinnini blong em emi Naomie we kleima blong kes ia i kam maot long em.

During cross examination Mr Obed Thomas emi talem long kot se emi kleim from nasara ia nomo Amalhalu and emi no kleimem tufala nasara we I stap we emi Vatimarl mo Vakeral andanit long boundary blong Lehili. Emi talem tu se em mo defendant tufala I tu difren nasara em blong Amalhalu mo defendant emi blong Vatimaral nasara. Emi talem tu se I no gat any current jif blong Amalhalu nasara.

Mr Saro Kulkul emi spokesman on behalf blong defendant Ms Mary Momo Kulkul. Defendant emi no mekem any respond I kam long kot blong filem emi talem long kot se bae emi mekem oral response nomo. Emi talem se defendant emi no gat witness blong sapotem respond blong em. Emi further stori long kot mo talem long response blong em mo talem histori blong em olsem:

Bob Maki mama blong emi kam maot long wan nasara nem blong em Navulitan. Emi maretem mo liv wetem wan man kasem mania I ded. Emi talem se taem mania I ded mama blong Bob Maki emi gat bel finis blong mania mo I maret aot bakegen I ko long Vakier. Taem bebe I bon oli nemem em Bob Maki. Olfala woman ia I bonem wan mo boe nem blong em Haitong. Taem Bob Maki I gro I kam bigwan oli talem maot long em se emi blong wan different nasara nao mekem emi (Bob Maki) i muv I ko daon long Tahalnatan long nasara Sowili mo oli gem woman Oilep long em we I maretem mo tufala I gat tu pikinninini wan boe mo wan gel. Gel I maret I kam long long Vauleli nesa vilij mo bonem Daniel mo Paul mo Leisen. Olfala woman ia I bonem Haitong mo Graham.

During cross examination long kot emi talem mo confemem long kot se Varend Veat emi blong nasara Amalhalu. Emi talem tu se nasara Amalhalu emi lus or nomo gat from ol man blong ples ia oli ded evriwan. Emi talem tu se histri blong em I finis nomo long Bob Maki, taem I ded be I finis ia nao. Emi further statem se histri blong em I gat tu nasara nomo. Emi talem se Bob Maki I ko survive long Vakeral nasara mo afta mekem way blong em I ko long Tahalnatan. Emi statem tu se Bob Maki emi gat tu pikinnini wan boe nem blong em Otil mo wan gel nem blong em Naomie we Kleima I kam maot long em. Emi confemem long kot se Lesepep emi histri blong Lehili vilij and confemem se defendant Mary Kulukul emi blong Vatimaral nasara.

Afta we kot I harem toktok we I kam maot long tufala parties moo I witnesses, kot I mekem ol findings ia:



FINDINGS

- Tugeta parties kleima mo defendant mo ol witnesses oli agri long kot se I gat 3 nasara long Lehili vilij Vatimeral, Vareng Veat(Amalhalu) mo Vakeral,
- Tugeta parties I agri se Bob Maki emi only surviving bladline blong Vareng veat nasara,
- Tugeta parties I agri se Bob Maki emi gat tu pikinnini we emi Otil mo Naomie,
- Tugeta parties I agri se Bob Maki boe blong em emi Otil we I ded mo gel blong em Naomie nomo I laef,
- Tugeta parties I agri se Vareng Veat emi blong nasara Amalhalu,
- Tugeta parties I agri se woman ia Naomie emi laef blad blong Bob Maki we kleima I kam maot long em or emi laef blad blong Naomie.
- Defendant emi contradictim toktok blong em se Bob Maki I blong wan nara nasara and yet long cross examination emi I talem se histri blong em I finis nomo long Bob Maki I minim s emi recognisem Bob Maki se emi blong Amalhalu nasara

Wetem ol findings ia kot I mekem oda se:

KOT ODA

1. I gat tri nasara long Lehili vilij we emi Vatimeral, Vareng Veat mo Vakeral,
2. Defendant Mrs Mary Momo Kulkul emi blong nasara Vatimeral, Mrs Naomie emi blong nasara Vareng Veat Amalhalu mo Haitong emi blong nasara Vakeral,
3. Sapos any long tufala parties I no gari long decision ia I gat 30 deis blong apil agensem decision I long Magistrate kot.



DATED THE 24th OF AUGUST AT TAHI VILLAGE 2017

By the Court



Justice Morris Knos



Justice Roy Morrison



Justice Mohil Tom

