

IN THE TANNA ISLAND KOT
HELD AT ISANGEL
TAFEA PROVINCE
(Civil Jurisdiction)

Civil case No.17/1406

BETWEEN: GEORGE KAPALU
Plaintiff

AND: TAVO IARISPIS
Defendant

Justices: Joshua Kausiamar
Benjamin Kuao
Samson Naes

Clerk: Blandine TEPI

Date of Hearing: 27th November 2018

JUDGMENT

IN THE MATTER OF: DISPUTE OF CUSTOMARY RIGHT OWNERSHIP OF NAME KAPALU

Case ia George Kapalu hemi been filem ikam long court long 4th May 2017.

After we Tanna Island Court hemi receivem claim ia, concernem custom name KAPALU.

Clerk blong Tanna Island Kot hemi bin listem case number 17 blong 1406 long Tuesday 27th November 2018 long 9.00 o'clock long morning mo hemi complitem.

Tanna Island Court hemi kat prouve se tufala parties I bin receivem notice blong hearing mo tufala I appear inside long Court.

LAWS MO ACCEPTED KASTOM RULE WE ISTAP LONG TANNA

- 1. Section 10 blong Island Kot Act Cap 167 application of customary law-“Subject to the provision of the Act and island kot shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice morality and good order.**
- 2. Customary Right hemi inheritem true long Patrilineal system, from father to son:**
- 3. KAMEP or Last surviving bloodline.(Women hemi save inheritem customary right from father where hemi only survivor)**
- 4. ADOPTION: adopted pikinini long custom hemi save inheritem customary right (Adoption hemi must follem bloodline)**

Kot hemi kivem aot olgeta findings blong hem blong mekem declaration. Hemia nao hemi full Judgment blong case ia.

1. BACKRAON BLONG GEORGE KAPALU

Plaintiff blong case ia hemi George Kapalu mo spoke person hemi Sam Arsene hemi filem claim blong hem long Tanna Island Court se George Kapalu hem nao hemi kat full customary Right long name KAPALU.

SHORT HISTRY BLONG GEORGE KAPALU

Long histri blong Kapalu taem hemi born follem custom blong youmi or custom agreement blong Nariakene blong stanemup Kapalu hemi ko long Iarapia tribe mo hemi bin kat wan bigfala ceremony long custom between tufala tribes.

George Kapalu wife blong hem Megao tufala ikat olgeta pikinini ia: Ikat Sam, Johsua, Tess, Lava, Kalo, Serah, Kapalu, Nasuwaiu mo lawilum.

Mo Tribe hemi Nariakene hemia long Lounielapen mo Village Lenmaout.

2. BACKRAON BLONG TAVO IARISPIS

Defendant Tavo Iarispis hemi bin filem Counter-claim or respond blong hem long Tanna Island Court long 2nd April 2018. Mo hemi gohed blong talem too se olgeta too oli kat custom right owner long name Kapalu.

SHORT KASTOM HISTRY BLONG TAVO IARISPIS

Natuka wife blong hem Namaskaten mo tufala ikat olgeta pikinini ia ikat: Nawia, Kapalu, Namaskaten, Nakao Tuan mo George Tavo Iripis.

George Tavo Iarispis wife blong hem Naleo Iani Iani tufala I nokat pikinini mo tufala I adoptem Nawia wife blong hem Tangap mo tufala ikat olgeta pikinini ia Nawia, Nakao Tuan, Nian, Namaskaten, Yelo Karo, Nalin, Tao Iarispis George, Nemakiapri mo Kapalu wife blong hem Ielo mo tufala ikat olgeta pikinini ia ikat Nyien, Alice mo Sam Kapalu..

Ielo hemi sister blong Natuka. Mo Ielo husband blong hem Waresa mo tufala ikat olgeta pikinini ia ikat: Peau, Kaopa, Nalin, Nowata husband blong hem Nausien mo tufala ika olgeta pikinini ia ikat Nalin, Kawia, Nawia, Napip, lapsen, Naolen mo Naorai.

Hemi kam long tribe blong Ioune mo Nakamal hem hemi Katikoma Iken.

After long presentation blong spokeperson Sam Arsen we hemi readim out claim blong hem hemi stap olsem main witness blong case

Hemi stap confirmen long court se George Kapalu we hemi stap claimem Nakamal hemi stanemup hem mo singaotem custom name Kapalu. Mo too George Kapalu hemi kam long Lonielapen mo hemi stap nao ia long Lenmaout village.

1ST Witness Willie Naribo(Swearing in Aoth)

Hemi talemaot se hemi bin wan teacher long Lenakel school. Hemi bin hearem name ia Kapalu be mi no save long Kapalu we oli bin berem hem.

2nd witness Jimmy Dick (SWEARING IN AOTH)

Jimmy Dick, hemi no confirmem se ikat Kapalu blong loune be mi no save grave blong hem.

After long presentation blong Defendant George Tavo Iarispis we hemi readim out claim blong hem hemi stap olsem main witness blong case

Hemi confirmem se Kapalu we hemi stap claimem, hemi kapalu blong loune mo nakamal blong hem hemi Katikoma Iken hemia long Meddle bush. Mo Kapalu hemi follem Generation ikam kasem today.

1st Witness Maripen Peau (Swear in Aoth)

Hemi confirmem we se hemi save abaot Kapalu blong loune.

2nd Witness Kasso (Swearing in Aoth)

Hemi save abaot Kapalu blong loune, oli kam stap long Nariakene tribe.

Mo too ikat kastom singsing . Mo Kapalu hemi dead hemi no kat pikinini.

3rd witness KAPALU (swear in Aoth)

Name Kapalu hemi blong mi, Bussiness blong store hemi blong mi mo brther blong mi Tavo Iarispis. Mekem mitufala I singaotem George Kapalu.

Fundings blong case:

Court hemi faenemaot se Kapalu we George Kapalu hemi stap claimem hemi blong Nariakene tribe mo village blong hem hemi blong Lenmaout.


Court hemi faenemaot se Kapalu we Geoge Tavo Iarispis hemi stap claimem hemi blong loune tribe mo Suprime Nakamal hemi Katikoma Iken hemia long meddle bush.

Follen olgeta fundings ia mo law we hemi stap mo kastom rule we hemi stap long tanna we court I talem antap, taem kot hemi applyem laws mo cutom rules ia, Kot hemi mekem declaration olsem:

Court hemi declarem custom name Kapalu hemi belongs to Kapalu George blong Narikene Tribe mo village hemi lenmaout follem generation ikam ^{Nariakene} kasem today.

Court hemi declarem custom name Kapalu hemi belongs to family Natuka wife blong hem Namaskaten follem generation ikam kasem today. Tribe loune mo Nakamal Katikoma Iken hemia long meddle bush.


Dated at Isangel 27th November 2018.


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Josuah Kausiamar


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Benjamin Kuao


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Samson Naes

