



BETWEEN: Aaron Richard Collin
Claimant

AND: James Iaukua Ialun
Defendant

Date of Hearing: Friday 23rd day of March, 2018 at 12:35 pm
Date of Judgement: Friday 23rd day of March, 2018 at 12:40 pm
Venue: Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila
Before: Justice Lutu Sakita (Presiding Justice)
Justice Harry Joshua (Member)
Justice Daniel Frank (Member)

Island Court Clerk: Alida Tchivi

In Attendance: Claimant – Aaron Richard Collin
Defendant – James Iaukua Ialun (No appearance in court)

DEFAULT JUDGMENT

An application has been filed by 'Aaron Richard Collin' of Nguna 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 'James Iaukua Ialun' of Tanna Island, the defendant to pay *Twenty One Thousand Vatu* considered as a Debt.

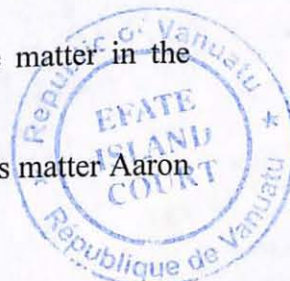
Both parties were summoned. This matter was supported in open court. Claimant appeared in Court at the time and date of hearing when called; however Defendant was not present but was fully aware of this court hearing. Court has noted on the Court Deposition that Defendant has also not filed his Defence.

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 Aaron Richard Collin on behalf of his unpaid sum;



This Court is satisfied and hereby makes the following Orders:


1. The Defendant 'James Iaukua Ialun' is ordered to pay 21'000 Vt by monthly instalment of 5'250 Vt every months commencing end of March, 2018 until the Debt Vt 21'000 is settle or paid in full;
2. All payment to be made directly to the Claimant 'Aaron Richard Collin';
3. Claimant is ordered to produce payment receipt to the defendant upon reception of each payment;
4. If judgement remains unsatisfied, Claimant may apply in writing to the Supervising Magistrate for Enforcement;
5. Parties have a right to appeal from that judgment to the Magistrate's Court within 30 days from the date of this judgement

DATED at Port Vila this 23rd day of March, 2018.

BY THE COURT



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Justice Harry Joshua
(Member)



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Justice Lutu Sakita
(Presiding Justice)



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Justice Daniel Frank
(Member)