

IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

DEBT
Case No. 18/2358 IC/DEBT

BETWEEN: Jack Leipi
Claimant

AND: George Liliu
1st Defendant

AND: Sam Philimon
2nd Defendant

Date of Hearing: Friday 21st day of September, 2018 at 10:41 am
Date of Judgement: Friday 21st day of September, 2018 at 10:52 am
Venue: Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila
Before: Justice Roy Tining (Presiding Justice)
Justice Thompson Andrew (Member)
Justice Lutu Sakita (Member)

Island Court Clerk: Alida Alain

In Attendance: Claimant – Jack Leipi
1st Defendant – George Liliu
2nd Defendant – Sam Philimon (No Appearance in Court)

COURT JUDGMENT

An application has been filed by **Jack Leipi** who is the plaintiff before this court in pursuant to Rule 1(2) of the Island Court Procedure Rules of 2005.

Claimant is seeking orders from the Island Court to order the defendants to settle their outstanding Vatu of 48'000 Vt.

All parties were summoned directly however, only the claimant and the 1st defendant have appeared in Court when called.

Having Considered Rule 4 [2] (a) of the Island Court Procedure Rules of 2005 provide that, 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: Determine in the absence of the defendant the claim of the claimant.

Therefore, the court proceeds and determines the matter in the absence of the defendant the Application filed before this Court.



The first defendant has produced a copy of payment receipt for several instalment payments made directly to the claimant's lawyer and these sums of vatu was already collected by the second defendant.

Sam Philimon is the claimant's debt collector. However, he doesn't give the money collected from the lawyer to the Claimant.

Having read, heard and considered the application made by the claimant in this matter Jack Leipi and;

Having heard and considered the first defendant's defence statement;


This Court is satisfied and hereby makes the following Orders:


1. George Liliu, the 1st Defendant is ordered to pay 12'200 vatu as debt in full directly to the Claimant by end of September, 2018;
2. Sam Philimon, the 2nd Defendant is ordered to pay 34'000 vatu as debt in full directly to the Claimant by end of September, 2018;
3. Both parties need to comply with these orders. Failure to the above, party has the right to apply for Enforcement before the Supervising Magistrate of the Efate Island Court;
4. Parties have the right to appeal from that judgment to the Magistrate Court within 30 days from the date of this judgement.

DATED at Port Vila this 21st day of September, 2018.

BY THE COURT


.....
Justice Lutu Sakita
(Member)


.....
Justice Roy Thing
(Presiding Justice)



The seal is circular with a blue border. The outer ring contains the text 'Republic of Vanuatu' at the top and 'République de Vanuatu' at the bottom, separated by two stars. The inner circle contains the text 'EFATE ISLAND COURT' in the center.


.....
Justice Thompson Andrew
(Member)