

BETWEEN: Aron Richard
Claimant

AND: Philip Luata
Defendant

Date of Hearing: Friday 19th October, 2018 at 10:36 am
Date of Judgement: Friday 19th October, 2018 at 10:45 am
Venue: Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila
Before: Justice Roy Tining (Presiding Justice)
Justice Eddie Karis (Member)
Justice Serah Paton (Member)

Island Court Clerk: Alida Alain

In Attendance: Claimant – Aron Richard
Defendant – Philip Luata (No appearance in court)

DEFAULT JUDGMENT

An application has been filed by 'Aron Richard' 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 'Philip Luata' of Tanna Island, the defendant to pay *Thirty Two Thousand and Four Hundred 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 Aron Richard on behalf of his unpaid sum;





This Court is satisfied and hereby makes the following Orders:

1. The Defendant 'Philip Luata' is ordered to pay Vt 32'400 by monthly instalment of 16'200 Vt every months commencing end of October, 2018 until the Debt Vt 32'400 is settle or paid in full;
2. All payment to be made directly to the Claimant 'Aron Richard';
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 19th day of October, 2018.

BY THE COURT


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Justice Eddie Karis
(Member)


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Justice Roy Timing
(Presiding Justice)




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Justice Serah Paton
(Member)