

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

Case No. 18/2942 IC/DEBT

BETWEEN: Jennifer Tari and Russel Tari
Claimants

AND: Belinda Garae
Defendant

Date of Hearing: Friday 30th day of November, 2018
Date of Judgement: Friday 30th day of November, 2018
Venue: Efate Island Court – Court-Room, Joint-Court Onto, Port-Vila
Before: Justice Roy Tining (Presiding Justice)
Justice Lutu Sakita (Member)
Justice Serah Paton (Member)

Island Court Clerk: Alida Alain

In Attendance: Claimant – Russel Tari
Defendant – Belinda Garae

JUDGMENT

An application has been filed by **Jennifer Tari and Russel Tari** who are the plaintiffs before this court on Wednesday 24th day of October, 2018 at 2:30 pm, in pursuant to Rule 1(2) of the Island Court Civil Procedure Rules of 2005.

Claimants are seeking orders from the Island Court to order 'Belinda Garae' of Ambae Island who is currently employed at the Judiciary Service as Human Resource Officer to pay Fifty Thousand Vatu in cash directly to them, considered as Debt before Monday 3rd day of December, 2018 and if she fails to do so, the court will grant another order for 20% fortnightly interest to accumulate until such time the payment is complete.

This is a normal civil claim for breach of contract between the parties and as a result, there is a loss of income to the claimant's family business lending scheme.

Both parties were summoned directly and were appeared in Court at the time and date of hearing when called.

Having read, heard and considered the application of claim made by the Claimants in this matter, Jennifer Tari and Russel Tari on behalf of their unpaid sum of Vt 50'000 on the grounds that :



1. On the 29th of June 2018 at 12:00pm Belinda Garae who is the defendant in this matter borrowed 25,000Vt cash from the claimants and it was given to her at lunch hour at seafront near the Art & Craft Building in Port-Vila, Efate. The defendant made a standing order with BRED Bank to transfer Vt 12'000 from her bank account number 149683010012 to the claimant's bank account for three instalments plus 20% fortnight interest. The standing order was not effective until today since the claimants claim that it was a false document made by the defendant.
2. Many follow ups made by Jenifer Tari and her husband Russel Tari for the repayments but Ms. Garae keeps on making false promises to repay back. Even the claimants have raised concern to Shemi Joel who is the Acting Registrar for the Supreme Court as her superior but still no feedback from him.
3. On the 10th of August 2018 at 8:00pm Ms. Garae came over to the claimant's house and gave them 5'000Vt as part of the repayment and that was the only money she gave.
4. The defendant made promises to repay in full amount plus the accumulate interest of 20% when she get her loan approve with the ANZ Bank.
5. Followed up with BRED Bank Ltd again and still no transaction made from the defendant's account stated above.
6. On the 30th of September 2018, the claimants advised the defendant that she will pay back only Vt 50'000 without any accumulated interest which is double the 25'000Vt as per the principal amount borrowed but she never did as per discussion.
7. The claimants have high expectation regarding their business growth but due to the fact that the defendant has delayed all repayments and resulted in a great lost.
8. Belinda Garae, the defendant is a Human Resource Officer for Supreme Court and she knows very well that the standing order that she produced to the claimants is a false document but she strongly emphasised that the standing order was a valid. The claimants stated on their grounds that Ms. Garae is destroying her integrity as an employee of the Judiciary.
9. The Interest of the principal amount Vt 25'000 has accumulated to Vt 100'365 as per the original agreement but the claimants have reduced the amount to Vt 50'000 only to make it easy for her to pay in full.
10. The claimants filed their claim with a true copy of their interest calculation sheet, business license, standing order form that was produced by the defendant, and three installment break down payment as per their original agreement.

And having heard and considered the Defendant's response concerning the debt Vt 50'000 which is the subject of this Court;

Both parties agreed that the outstanding Vatu for the Court to deal with is Vt 50'000.

This Court is satisfied and hereby makes the following Orders:

1. The Court orders that the Defendant 'Belinda Garae' to pay Vt 50'000 in cash directly to the claimants by close of business on Monday 3rd of December, 2018.
2. Failure to the above, the Court orders the fortnightly 20% interest of Vt 50'000 to accumulate until such time the repayment is complete.



3. If this judgement remains unsatisfied, party may apply in writing to the Supervising Magistrate for Enforcement or Review;
4. Party has the right to appeal from that judgment to the Magistrate's Court within 30 days.

DATED at Port Vila this 30th day of November, 2018.

BY THE COURT



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Justice Lutu Sakita
(Member)



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Justice Roy Tining
(Presiding Justice)



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Justice Serah Paton
(Member)