

BETWEEN: AIME BANGUS

Claimant

AND: FRANCOIS BANGUS, MARCEL BANGUS,  
SIMON BANGUS, DANIEL BANGUS,  
SAIRO BANGUS, JOSEPH BANGUS

Defendants

**Date of Hearing:** 19 to 20 March 2019  
**Date of Judgment:** 21 March 2019  
**Before Justices:** Douglas Fadal (Chairperson), Lorna Bongvivi,  
Robert Niptick  
**Clerk:** Collyne Tete Maki  
**In Attendance:** Claimant – Aime Bangus  
**Nonattendance:** Defendants - Francois, Marcel, Simon,  
Daniel, Sairo, Joseph

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**DEFAULT JUDGMENT**

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Kes ia emi registered bifo long Malekula aelan kot follem *Island Courts ACT CAP 167 section 10. Application of customary law: Subject to the provisions of this Act an island court 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 mo tu;*

*Guided by the Island Courts (Civil Procedure) No 28 of 2005 Rule 1 subsection 1 to 7 stated" Starting of a civil claim"*



## Issue we I stap bifo long kot emi:

Blong kot I faenem maot whu long olgeta parties ia emi stret bladlaen blong "BANGUS" or evriwan I bladlaen blong man ia Simon Bangus.

## BACKGROUND BLONG KES

Kes ia emi filed by Mr Aime Bangus blong Rano vilij Northeast Malekula long namba 16 blong manis June 2015 we emi kleim blad blong Bangus agensem ol defendan ia we everiwan I blong Rano vilij Northeast blong Malekula. Emi statem long kleim blong em se emi stret blad pikininini blong olfala Simon Bangus we emi papa blong em. Risen why emi kleim se emi stret bladlaen from we papa blong emi I pefomem plante Kastom ceremony long em olsem:

- Mekem Kastom long 3 woman we oli lukaotem em taem emi bon
- Papa blong em Simon Bangus emi organisem circumcission blong em
- Papa blong em Simon I mekem maret blong em wetem woman blong em Jacqueline

Apart long ol Kastom ceremony ia emi talem maot se taem Simon Bangus emi stap sik blong I ded emi toktok long Aime se emi fes bon son blong em. Mo taem we Simon emi ded Aime nomo I mekem wan Kastom ceremonie blong ded I ko long uncle blong em long Walla Nasara we long Rano oli kollem " Netselenan"

Emi statem tu se ol defendan oli no pikinnini blong Simon Bangus mo emi neva adoptem olgeta se oli ol pikinnini blong em wetem second woman we emi Lweulkas.

*Afta we kot I harem presentation we I kam maot long kleimen wetem ol witness blong em kot I mekem ol faedings olsem:*

## KOT FAENDINGS

1. Ol defendan oli directly summon tru long Marcel Bangus from we plante long olgeta oli stap long Vila mo Marcel nomo I stap long aelan mekem kot I samon olgeta tru long Marcel long namba 10 blong manis march 2019 tru long Jif Martin Maltok.



2. Ol defendan oli save gud se bae I gat kot be oli no kam blong attendem kot.
3. Follem civil procedure rules No. 28 blong 2005 blong Island court Rule 4 section 2 (d) I talem se” **NON ATTENDANCE OF DEFENDANT**”

*If a defendant does not appear at the time for the hearing of the claim, the court shall provide it is satisfied that the statement of claim has been served on the defendant and that there is no good reason for the defendants non-attendance:*

*(d) Determine in the absence of the defendant the claim of the claimant.*

Rule 4 I talem clear se sapos ol defendan oli no attendem kot bae kot I mekem wan decision follem kleim blong kleimen.

4. Simon Bangus I bin mekem plante Kastom ceremony long Aime Bangus blong pruvum se Aime emi son blong em we ol Kastom ia emi circumcison, maret mo sam nara Kastom.
5. Long ded blong Simon Bangus tu Aime Bangus emi mekem wan Kastom ceremony I ko long ol uncle log Walla olsem pem I ko bak long ol uncle.
6. Kot I satisfy enough tru long toktok blong kleimen wetem ol witness blong em blong mekem wan decision.

*Afta we kot I mekem ol faendings ia kot I mekem oda se:*

#### KOT ODA

1. Aime Bangus emi stret blad laen blong Simon Bangus we son blong em Jocelyne.
2. Francois, Marcel, Simon, Daniel, Sairo mo Joseph oli mas respectem ol Kastom raet we Simon I gem long Aime Bangus.
3. Sapos ol defendan oli fail blong comply wetem oda 2 kleimen I gat raet blong kam filem kes blong enfosmen agensem olgeta
4. Sapos any long ol parties I no agri wetem decision blong kot I gat 30 dei blong apil I ko long Magistrate court



**Dated at Lakatoro this 21<sup>st</sup> day of March 2019**

**BY THE COURT**



Justice Douglas FADAL



Justice Lorna BONGVIVI



Justice Robert NIPTICK

