

**IN THE MALEKULA ISLAND COURT  
OF THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

Civil  
Case No. 19/974 IC/CIVL

**BETWEEN: Janeth Sanshabath**  
**Claimant**

**AND: Terry Alick**  
**Defendant**

**Date of HEARING:** *14th day of October, 2019 at 8:00 AM*

**Before:** *Justice Douglas Fadal, Justice Joses Lingi, Justice Presilla  
Johnety*

**In Attendance:** *Defendant – Terry Alick*  
*Claimant – Janeth Sanshabath*

**Clerk:** *Collyne Tete Maki*

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**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:

1. I tru se defendan emi tekem Vt 10,000 long kleimen mo no refundem bak em follem agrimen blong tufala?
2. From wanem defendan emi fail long agrimen blong tufala?

Kes emi filed by Ms Janeth Sanshabath blong Albalak vilij long Northwest blong Malekula long namba 26 April 2019 agensem defendan Mr Terry Alick blong Southwest blong Malekula. Emi kleim se samtaem long manis March 2017 defendan emi borrow VT 10,000 long em mo I fail blong gem bak olsem we tufala I bin agri blong emi pem bak.

Afta we clerk I presentem kes.

KOT FINDING

*Afta we kot I harem presentation we I kam long kot kot I mekem ol faendings olsem:*

- Issue ia tugeta party I soretem maot aotsaed long kot.

KOT ODA

*Afta we kot I mekem findings kot I mekem oda se:*

1. Civil case 974 of 2019 emi dismissed.
2. Tugeta parties I gat 30 dei blong apil I ko long Magistrate kot sapos tufala I no agri wetem oda blong kot.



BY THE COURT



Justice Douglas FADAL



Justice Joses LINGI



Justice Presilla JOHNETY

