

BETWEEN: Family Utissets Represented by David Utissets
Claimant

AND: Tosly Awop & Steven Utissets
Defendant

Date of HEARING: 16th day of October, 2019 at 8:00 AM
Before: Justice Douglas FADAL, Justice Joses LINGI, Justice Presilla JOHNETY
In Attendance: Claimant – David Utissets Defendant – Steve Utissets Representing himself and Tolswy Awop
Clerk of the Court: Collyne Tete MAKI

JUDGMENT

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 family tri we family Tolsy Awop mo Family Eliciem Utissets oli usem long Land Amelprev case blong Land hearing long yia 2007 emi blong David Utissets mo ol family blong em?
2. Why nao family David Utissets I no bin challengem family tri ia long Land case "Amelprev" hearing long 2007 long Island Court? Mo,



3. Why nao ol family Utissets oli no bin filem kes agensem Elsiem Utissets
blong no representem family long Land case mo ol nara case ia long kot?

Kes emi filed long ofis blong Malekula Aelan kot long namba 4 December 2012 we emi filed by Mr David Utissets representing family Utissets blong Rano village Northeast Malekula. Emi mekem kleim mo kleim agensem defendant mo statem se family tri we defendant oli usem long hearing blong Land case long yia 2007 emi blong olgeta. Emi further statem se ol family Utissets I bin sit daon tugeta mo dicsesem ol land matters long yia 2005 long haos blong Elsiem mo jusum Elsiem blong representem family long kot mo em nao I ko stap jenesem ol story or statmen long kot. Emi statem tu se olgeta I claim tru long bladlaen blong Renkon be Elsiem emi bin tekem maot mo putum Malroch we emi no bladlaen blong Bursiw

Defendant Steve Utissets emi mekem wan respond on behaf blong em mo Tolsy mo askem blong dimissem kleim blong kleimen blong famil tri long risen se family tri ia Tolsy Awop I bin usem finis long lan kes hearing blong Amelprev lan we decision I ko long Tolsy Awop olsem Kastom ona. Emi statem tu se kes blong lan ia emi even kasem Apil we kot I still recognisem family tri mo no mekem any decision we I ko agensem family tri blong Tolsy. Emi even statem se David Utisset I bin traem blong challengem long sam mo nara level blong kot be emi fail nomo mo no go tru long ol kes ia. Emi even statem se I no gat wan hae kot I talem se bae aelan kot bae I mas harem kes blong family tri ia bakegen.

KOT FINDINGS

Afta we kot I harem toktok blong olgeta parties mo ol witness blong olgeta kot I mekem ol findings olsem:

1. Malekula aelan kot I bin mekem wan findings finis follem famil tri blong defendant Tosly Awop long Lan kes blong Amelprev mo putum Tolsy Awop olsem Kastom ona blong boundary ia,
2. I no gat wan long ol hae kot ia Suprim kot o kot blong apil I mekem wan oda blong directem Malekula aelan kot blong lukluk long kes blong family tri blong Tolsy Awop mo Family Utissets follem olfala ia Mulon Bursiv,
3. Malekula aelan kot emi no gat pawa blong mekem findings long family tri from we emi semak kot we I mekem findings long family tri blong Tolsy Awop long lan kes blong Amelprev mo emi bin declared Kastom ona long lan kes ia.

KOT ODA

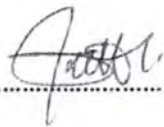
Afta we kot I mekem ol findings ia kot I mekem oda olsem:

1. Kes blong family tri emi dismissed.
2. Tugeta parties I gat 30 dei blong apil sapos oli no happy wetem oda blong kot.



Dated at Lakatoro this 16 day of October 2019

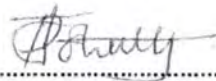
BY THE COURT



Justice Douglas Fadal



Justice Joses Lingi



Justice Prescilla Johnety

