

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Other Jurisdiction)

Civil
Case No. 06 of 2013

BETWEEN: Jacob Toame

Claimant

AND: Paul Melteksalaem

Defendant

Date of HEARING: 28th day of November 2019

Date of JUDGMENT: 28th day of November 2019

*Before: Justice Douglas FADAL, Justice Joses LINGI, Justice
Presilla JOHNETY*

In Attendance: Claimant – Jacob Toame

Defendant – Paul Melteksalaem

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 BIFO LONG KOT EMI: -

- 1. From wanem risen nao bae Paul Melteksalaem emi stop blong usem nem ia
TOAME?*



2. *Nem ia TOAME emi blong whu long tufala parties?*

3. *Kes ia I bin ko bifo long wan kot finis or no yet?*

Kes emi filed long kot long yia 2015 by Mr Jacob Toame blong Tautu vilij Central Malekula agensem brata blong em Mr Paul Melteksalem we emi blong Tautu vilij Central Malekula. Kleima emi mekem kleim I kam long kot mo kleim se Paul bae emi stop blong usen nem blong TOAME from we Tasso Melteksalaem emi adoptem em finis I ko long wan nara nasara blong Slenmal nasara saed long Apan. Follem adaoption ia I mekem emi mas stop blong usen ol property blong Toame.

Mr Paul Melteksalaem emi respond mo talem long kot se emi no fes taem we tufala I appear long kot from ol issue olsem. Emi talem se emi bin winnem fulap kes finis agensem Jacob Toame we I stap filem agensem em. Emi statem se I gat wan decision I made long Supreme court we emi Civil case namba 1 blong 2013 we I karem deit blong namba 24 blong manis Mei 2013 we kot I mekem oda blong Malekula Aelan kot emi harem kes blong "Succession rights". Malekula Aelan kot emi bin sit daon mo harem kes ia long namba 5 dei blong manis September 2013 mo kot ia I bin mekem oda mo givim raet I ko long Paul Robert Toame from we emi fes bon son blong Robert Toame mo emi big brata blong kleima Jacob Toame. Paul emi even attachem birthcertificate blong em we family Toame emi blessed long em long taem we emi bon.

Afta we kot I harem tok tok blong tufala parties kot I faenem maot se: -

Kot findings

1. Kot emi no save proceed long kes ia from we Malekula Aelan kot we emi semak kot we I sit daon naoia blong harem kes ia emi rule mo gem maot wan decision finis long kes blong Succession raet we emi bitwin tugeta semak parties



2. Long kes blong succession raet ia kot I bin gem full autoriti mo raet I ko long Paul Robert Toame we kleima emi taelem se emi Paul Melteksalaem mo mekem ol findings long Civil case namba 6 blong 2013 se :

- Paul Toame emi fes bon son blong papa blong em we emi Robert Toame
- Jacob Toame emi namba son blong Robert Toame
- Follem kastom blong yumi long Malekula mo Vanuatu as a whole raet emi pas tru long wan jenerasen I ko long nara jeneresen tru long semak blad

Ol findings antap emi soem se kes ia emi complit long aelan kot kasem we oli gem kot oda mo raet I ko long Paul Toame

3. Malekula Aelan kot emi mekem wan decision long kes blong Succession raet mo long taem blong kot hearing ia *Jacob Toame emi no bin challengem se Paul Toame emi adopted son blong Melteksalaem*, from wanem emi no challengem or disputem be wandem kam filem kes blong stoppem Paul blong no usem TOAME, emi bin challengem nomo wan written leta we papa blong em Robert Toame emi bin givim long em se bae em nao emi rule ova long ol property blong TOAME, be yet Aelan kot I gem raet I ko long Paul Toame.
4. Malekula Aelan kot emi no save mekem wan oda long kes ia from emi mekem wan oda finis mo gem raet long PAUL TOAME I no PAUL MELTEKSALAEM.

Afta we kot I mekem ol findings ia kot I mekem oda se: -

Kot oda

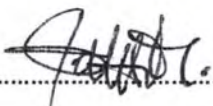
1. Applikesen blong Jacob Toame blong Civil case 9 blong 2015 emi dismiss
2. Jacob Toame sapos yu wandem disputem Paul from adoption ko filem kes long higher kot we emi Suprim kot blong Republik blong Vanuatu
3. Any long tufala parties I no agri long decision we I kam maot emi gat 30 dei blong emi apil I ko long Magistrate kot blong Ripablik blong Vanuatu.

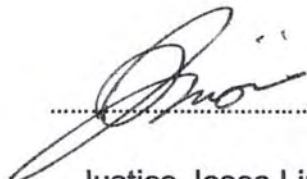


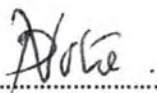
Dated at Lakatoro this 28 day of November 2019



BY THE COURT


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Justice Douglas Fadal


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Justice Joses Lingi


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Justice Prescilla Johnety