

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

Civil case 2968 of 2019

BETWEEN: SHEMA BUKTAN

Claimant

AND: ROBERT SOKEN

SIMON SOKEN

DANIEL PETER

BASIL PETER

MANAS PETER

OBED PETER

BEHUL

Defendants

Date of Hearing: 28 May 2020

Date of Judgment: 28 May 2020

Before Justices: Douglas FADAL (Chairperson), Joses LINGI, Lorna BONGVIVI

Clerk: Collyne Tete Maki

In Attendance: Claimant – Absent

Defendant – Absent

DEFAULT 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:

1. *Why nao ol defendan oli killem pig blong claiman mo no letem em I save long em?*

BACKGROUND BLONG CASE

Mr Shema Buktan blong Binalum vilij Northeast Malekula emi filem kes agensem ol defendan we olgeta tu I blong Binalum vilij, Northeast Malekula.

CLAIM BLONG CLAIMAN

Claiman emi filem kes long namba 29 October 2018 agensem ol defendan from we oli stilim pig blong em insaed long fence blong ol pig blong em. Samtaem lonn manis September 2018 long nite ol defendan ia oli bin ko long fence blong pig blong claiman mo stonem ded wan mama pig blong em wetem ol 8 piglets blong em mo oli karem ko kaikai. Afta we oli mekem fasin ia wan family memeba blong ol defendan is emi kam mo talem maot long claiman mekem emi kam filem kes blong aelan kot I lukluk long claim blong em.

RESPONSE BLONG DEFENDAN

Ol defendan oli no appear bifo long kot afta we kot I summonem olgeta.

Afta we kot I harem toktok blong claimant mo lukluk tru long ol response blong defendan kot I mekem ol findings olsem:-

COURT FINDINGS

1. Claiman I mekem wan leta I kam long kot blong talem se bae emi canselem kes from we em mo ol defendan oli sortem maot issue ia long home vilij blong olgeta.

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

COURT ODA

1. Debt case 2968 kot emi dismissem.
2. Sapos any long ol parties I no agri long ol oda ia oli gat 30 dei blong apeil I ko long Magistrate kot

DATED 28 MAY 2020 AT LAKATORO, MALEKULA

BY THE COURT

JUSTICE LORNA BONGVIVI



JUSTICE JOSES LINGI



JUSTICE DOUGLAS FADAL (chairperson)


