

IN THE BANKS/TORRES ISLAND COURT CIVIL CASE NO 1312 OF 2017
OF THE REPUBLIC OF VANUATU

.....
(Civil Jurisdiction)

BETWEEN: STEPHEN BET
Vureas Bay, Vanua Lava
Plaintiff

AND: MERI WORECK
Sola, Vanua Lava
Defendant

CORAM: *Justice Raymond Siplaq*
 Justice Abel Patterson
 Justice Keith Hopkins

DOH: *29th September 2020*
DOJ: *29th September 2020*

CASE: APPLICATION FOR DEBT SETTLEMENT

DEFAULT JUDGEMENT

Issues:

- Whether or not the Defendant operates a Business [Guest House] in the year 2016?
- Whether or not the business is operational during that period?
- Whether or not the defendant is liable to pay for business license during such period?

Introduction

1. This is an Application for the settlement of outstanding debt brought before this court by the claimant, Stephen Bet [as the Vanua Lava Area Secretary], against the defendant, Meri Woreck.



2. The claimant claims that the defendant, as a business operator, has failed to make payments of Business License for the year 2016.
3. In the year 2016, the defendant has been operating a Business, namely; a Guest House.
4. Several attempts were made for the defendant to settle the debt as required under the Business license Act, with no success, therefore the claimant pursues the matter before this Court to order the defendant to settle the outstanding debt.

Application

5. The claimant claims an amount of 10,000 VT as the outstanding Debt plus 1,000 VT as the Court fee.

Appearance

6. The defendant is not present in court.

Submission

7. The Claimant submit in accordance to his statement.
8. No appearance and no submission from the defense side.

Court Findings

The Court finds out that:

9. The claimant is present in court.
10. However, the defendant on the other hand is not, despite being served with a summons to attend court, pursuant to Rule 2 [9] of the Island Courts – [Civil Procedure] Rules.
11. With the non-appearance of the defendant, the court determined the claim in her absence and gave Judgment in favor of the claimant, pursuant to Rule 4[2] of the Island Courts – [Civil Procedure] Rules, [Non- Appearance of Defendant] states;
*"If a defendant does not appear at the time for the hearing of the claim, the court shall, provided 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) Determined in the absence of the defendant the claim of the claimant"*



12. After considering the Claimants summary facts, the court made the following Orders:

COURT ORDER

- 13. The defendant Meri Woreck to settle the outstanding debt of 10,000 VT plus 1,000 VT as cost, to the claimant.
- 14. Payments should be completed within 2 months, that is before 29th November 2020.
- 15. Payments must be made directly to the Court Clerk at the Sola Court House or to the claimant and produce receipt to the clerk for record purpose.
- 16. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

Dated at SOLA, this 29th September 2020

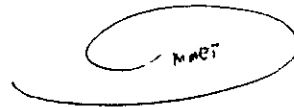
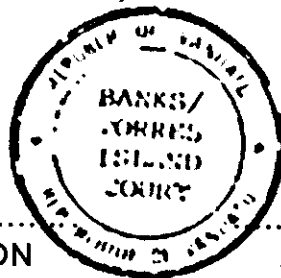
BY THE COURT



Justice Raymond SIPLAQ



Justice Abel PATTERSON



Justice Keith HOPKINS