

**IN THE BANKS/TORRES ISLAND COURT CIVIL CASE NO 1429 OF 2017
OF THE REPUBLIC OF VANUATU**

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(Civil Jurisdiction)

BETWEEN: STEPHEN BET
Vureas Bay, Vanua Lava
Plaintiff

AND: TOMMY BOLLEN
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**

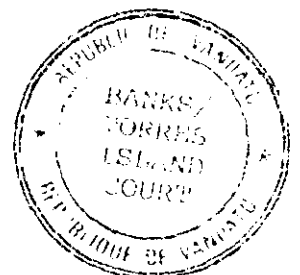
JUDGEMENT

Issues:

- Whether or not the Defendant operates a Business [Kava Bar] during the period from year 2015 to 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, Tommy Bollen.



2. The claimant claims that the defendant, as a business operator, has failed to make payments of Business License for the years 2015 and 2016.
3. In the years 2015 and 2016, the defendant has been operating a Business, namely; a Kava Bar [Nakamal].
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 20,000 VT [10,000 VT per year] as the outstanding Debt plus 1,000 VT as the Court fee.

Appearance

6. Both parties are present in court.

Claimants Facts

7. In addition to the application lodged, he also states that his role and responsibility as an Area Secretary is to make sure all Businesses comply with Business License Acts.

Defendant's Facts

8. The defendant denies the statements, and provide reasons as outlined;
 - o During the period of 2015- 2016 his business [Kava Bar] was not operating.
 - o Before that period, in 2014, his bar was damaged by hurricane. And become operational again in 2017.
 - o From 2015-2016, sale of kava juice still continue in his area were the bar once was, but in small scale, and as assistance to families towards needs including school fees.
 - o During that period, there was no building to cater for kava sale, thus it is no different to other kava sale everywhere in Sola, which are not required to pay for business license.

Cross-Examination

9. The Claimant maintains that it is his responsibility to make sure all Businesses comply with the Business License Acts.



10. Out from the defendant's facts, the claimant also maintains that the defendant's Business is still operational during the period of 2015-2016.
11. On the Other hand, the defendant states that he has no outstanding business License Debt with the Provincial Government since the years 2000-2014 and from 2017 until then, when his business was operational.
12. The only reason he did not make attempts to make payments of business license for 2015-2016, is because his business was not operational during that period.

Submission

13. The Claimant submit in accordance to his statement.
14. Defendant make submissions for Court to consider the 'Defendants Facts'

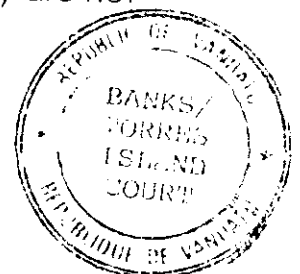
Court Findings

The Court finds out that:

15. The defendant's business is operational in the period of 2015 to 2016.
16. Thus, the defendant is liable to pay for business license during this period.
17. Considering all facts, the court made the following Order:

COURT ORDER

18. The defendant Tommy Bollen to settle the outstanding debt of 20,000 VT plus 1,000 VT as cost, to the claimant.
19. Payments should be completed within 5 months, that is before 29th February 2021. [Instalment payments of 4,200 VT per month for 5 months]
20. 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.
21. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

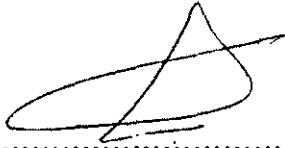


Dated at SOLA, this 29th September 2020

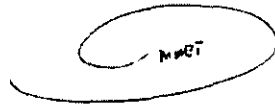
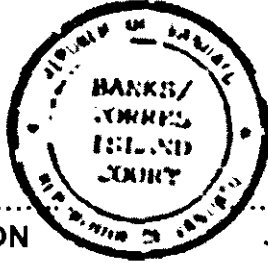
BY THE COURT



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Justice Raymond SIPLAQ



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Justice Abel PATTERSON



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Justice Keith HOPKINS