

IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 251 OF 2018
OF THE REPUBLIC OF VANUATU

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(Civil Jurisdiction)

BETWEEN: EVELYN HOPKINS

Applicant

AND: COLTON VARIAN

Defendant

CORAM: Justice Raymond Siplaq
Justice James Edward
Justice Keith Hopkins

DOH: 22nd October 2020
DOJ: 22nd October 2020

CASE: APPLICATION FOR DEBT SETTLEMENT

DEFAULT JUDGEMENT

Issue:

- o Whether or not the Defendant has an outstanding debt with the Claimant?

Introduction

29. This is an Application for the settlement of outstanding debt [Loan] brought before this court by the claimant, Evelyn Hopkins, against the defendant, Colton Varian.
30. The claimant claims that the defendant has an outstanding debt of 15,000 Vatu + 10,000 interest.



31. The money was lent to the defendants on 1st of March 2014.
32. Several attempts were made for the defendant to settle the debt, with no success, therefore the claimant pursues the matter before this Court to order the defendant to settle the outstanding debt.

Application

33. The claimant claims an amount of 15,000 VT as the outstanding Debt plus 10,000 Vatu interest plus 1,000 Vatu as the Court fee.

Appearance

34. The defendant is not present in court.

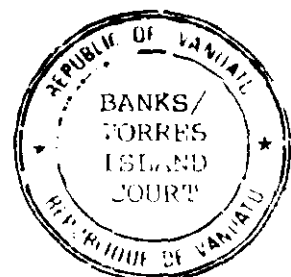
Submission

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

Court Findings

The Court finds out that:

37. The claimant is present in court.
38. 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.
39. With the non-appearance of the defendant, the court determined the claim in his 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"*
40. After considering the Claimants summary facts, the court made the following Orders:



COURT ORDER

5. Defendant Colton Varian you are ordered to settle the outstanding debt of 26,000 VT, to the claimant.
6. Payments should be completed within 2 months, which is before 22nd December 2020.
7. 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.
8. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

Dated at SOLA, this 22nd October 2020

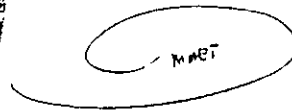
BY THE COURT



.....
Justice Raymond SIPLAQ



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Justice James EDWARD



.....
Justice Keith HOPKINS