

IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 2020 OF 2020  
OF THE REPUBLIC OF VANUATU

.....  
(Civil Jurisdiction)

BETWEEN: ALICK TARI

Applicant

AND: SALATHIAL NAVA

Defendant

CORAM: *Justice Raymond Siplaq*  
*Justice James Edward*  
*Justice Keith Hopkins*

DOH: *22<sup>nd</sup> October 2020*  
DOJ: *22<sup>nd</sup> October 2020*

CASE: APPLICATION FOR DEBT SETTLEMENT

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**DEFAULT JUDGEMENT**

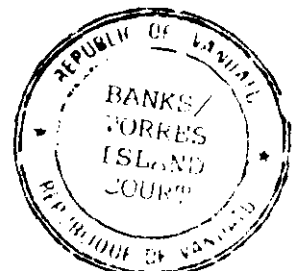
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Issue:

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

**Introduction**

1. This is an Application for the settlement of outstanding debt brought before this court by the claimant, Alick Tari, against the defendant, Salathial Nava.
2. The claimant claims that the defendant has an outstanding debt of 10,000 Vatu. Which is from unpaid goods the Defendant took from his store.



3. It was in the years 2012.
4. 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**

5. The claimant claims an amount of 10,000 VT as the outstanding Debt plus 750 VT as the Court fee.

#### **Appearance**

6. The defendant is not present in court.

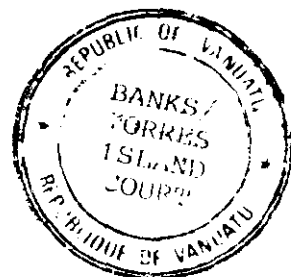
#### **Submission**

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



**COURT ORDER**

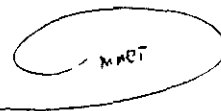
- 13. The defendant Salathial Nava is ordered to settle the outstanding debt of 10,000 VT plus 750 VT as cost, to the claimant.
- 14. Payments should be completed within 1 month, which is before 22<sup>nd</sup> November 2020.
- 15. Payments must be made directly to the Court Clerk at the Sola Court House 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 22<sup>nd</sup> October 2020

BY THE COURT



Justice Raymond SIPLAQ



Justice James EDWARD

Justice Keith HOPKINS