

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

Civil case 606 of 2020

BETWEEN: MARIE LEA VERLILI

Claimant

AND: FRANKY VERLILI

LAMY VERLILI

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 defendas oli damagem ol property blong claiman?*

BACKGROUND BLONG CASE

Mrs Marie Lea Verlili blong Mahe vilij Central Malekula emi filem kes agensem defendan Mr Franky Verlili mo Lamy Verlili from we tufala I damagem ol property we emi plannem mekem emi stap kleim VT 10,000 blong tufala I compensate em follem ol damage long property blong em.

CLAIM BLONG CLAIMAN

Claiman emi filem kes long namba 29 March 2020 agensem ol defendan from we oli damagem ol property blong em olsem nangae, namabe, breadfruit, nakatambol mo cocoa tri. Long tingting ia nao mekem emi kleim VT 10,000 blong coveremap everi property we oli damage ia.

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. Civil case 606 blong 2020 kot I 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)


