

IN THE MALEKULA ISLAND COURT  
OF THE REPUBLIC OF VANUATU  
(Civil Jurisdiction)

CIVIL CASE 997 OF 2021

**BETWEEN:** DON KEN

**Claimants**

**AND:** MALON BAIPA

WILLIE MARK

MOSTICK MALACHI

ROBSEN LESNAWON

FIREMIN URELELES

ATOK KILETEIR

PHILIPBOE UTISSETS

**Defendants**

*Date of Hearing:* 04 May 2021

*Date of Judgment:* 05 May 2021

*Before Justices:* Kalangis MELE (Chairperson), Alina MALAPA, Edwin EDWIN

*Clerk:* Collyne Tete Maki

*In Attendance:* Claimants - Present

Defendants – Present



---

## ORDER

---

### 1. INTRODUCTION

Kot emi welkam ol parties mo ol famile memba we oli present blong listen long kes blong aplikesen blong stayem jifly taetol kes blong Amelprev welele nasara kasem we kes blong we em ifilem long Magistrate kot bae kot I harem.

### 2. ISSUE BIFO LONG KOT:

*From wanem nao Don Ken em I wandem Aelan kot bae I no proceed wetem kes blong jifly taetol blong Amelprev welele?*

### 3. BACKGROUND BLONG CASE

Don Ken emi sumamrisem kes blong em mo talem se emi filem wan civil kleim long aelan kot long Civil kes 1286 blong 2021 we emi filem agensem Malon Baipa follem wan vilij kot decision long yia 1993 we emi kleim se Malon Baiapa emi mekem ap decision ia. Emi kleim se decision ia emi wan false decision we Malon Baiapa bae emi usem document ia nao blong kleim from jifly taetol. Emi talem se emi wandem bae Magistrate kot I luluk long legality blong vilij kot decision ia blong 1993 se emi valid or no.

Malon Baipa we I represented by Collin Taur emi respond long kot mo talem se semak decision blong 1993 ia nao emi usem long Lan kes we I ko kasem Supreme kot we emi winim kes long em kasem tedei emi semak decision we emi stap tekem kam long aelan kot blong kleim jifly taetol.

### 4. COURT FINDINGS

**Afta we kot I harem toktok blong ol parties kot I mekem ol findings ia:**

- Jifly taetol blong Amelprev welele I no bin ko bifo long wan kot yet
- Vilij kot decision blong manis August 1993 I gat issue wetem se I no bin complit
- Vilij kot decision ia nao Malon Baiapa emi usem blong stap wandem kleim from jifly taetol blong Amelprev Welele nakamal

**Afta we kot I mekem ol findings ia kot I mekem oda se:**

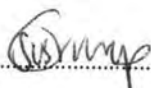
### 5. COURT ORDERS

1. Jifly taetol kes blong Amelprev welele bae I stap fastaem kasem we Magistrate kot I harem Civil kes 1286 blong 2021
2. Eni long ol parties I no hapi long decision ia emi gat 30 dei blong emi apil ko long Magistret kot



Dated at Lakatoro this 04 day of May 2021

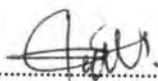
BY THE COURT



Justice Presilia Johnety



Justice Edwin Edwin



Justice Douglas Fadal

Chairman

