

**BETWEEN: CHIEF VIRAMBATH NISAI**

Applicant

**AND: KILLET ARI**

Respondent

**Before:** *Senior Magistrate Moses Peter*  
*Justice Kalangis Mele*  
*Justice Pattison Peter*  
*Justice Manaley Simeon*

**In Attendance:** *David Virambath for Applicant.*  
*Wilton Killet for Respondent*

**Copy:** *Parties*

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**DECISION**

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1. The Applicant filed this application by an order of the Supreme Court dated 22 November 2016 which stated "*the Appellant is to file an application seeking clarification of the Malekula Island Court judgment given on 3<sup>rd</sup> November 1988.*"
2. Order 2 stated "*This proceeding is hereby stayed.*"
3. The Applicant basically seeks clarification in the processes in which the Island Court had followed in issuing the decision in favor of the Respondent on 3<sup>rd</sup> November 1988.



4. The Respondent presented a Court of Appeal decision which dismisses the Applicant's appeal and submitted that no case is pending in relation to this matter in the Supreme Court and that he has been issued a certificate of recorded interest in respect of the MIC decision of 3 November 1988.
5. That being unclear to us, we direct the parties to speak with their lawyers being Mr. Eric Molbaleh and Mr. Jack Kilu to appear before Senior Magistrate Moses Peter at Port Vila Magistrates' Court on 15 July 2021 at 2.00 pm to explain if there had been any pending matters in the Supreme Court in respect of this matter.
6. Any clarity as to any pending matters before the Supreme Court will assist us in deciding on how to proceed further with this application.
7. Parties will be put on notice to appear for further hearing of this application.


**DATED at Lakatoro this 22<sup>nd</sup> day of June 2021**

**BY THE COURT**

  
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**Justice KALANGIS MELE**

  
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**Justice MANALE SIMEON**

  
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**Justice PATTISON PETER**

  
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**Senior Magistrate MOSES PETER**

