

**BETWEEN:** KALPEN BOB

**Claimant**

**AND:** SETH SUSURUP

**Defendants**

*Date of Hearing:* 20 July 2021

*Date of Judgment:* 06 August 2021

*Before Justices:* Douglas FADAL (Chairperson), Johnsen Frazer, Patisson  
PETER

*Clerk:* Collyne Tete Maki

*In Attendance:* Claimant - Present

Defendant – Present

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**ORDER**

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**1. INTRODUCTION**

Kot emi welkam ol parties mo ol famile memba we oli present blong listen long kes. Jeaman blong kes em i talem maot olgeta tri (3) jastis we oli sit daon long kes mo I no gat any objection we wan long olgeta parties I mekem long olgeta. Kot em i letem ol parties oli save se decision blong olgeta bae em i follem nomo ol toktok blong olgeta we bae I kam maot long kot tedei.



Kot emi letem ol parties tu I save se bae kot emi givim maot kot faendings mo kot oda verbally long kot bae full typed jajmen bae oli jes kam pikimap long clerk long Tuesday 10 August 2021.

Kes ia emi filed I kam long Aelan kot long namba 23 April 2015.

## 2. ISSUE BIFO LONG KOT:

- 1) *Whu long tufala parties ia i gat raet long nem ia "Johnny Ngarngar" mo emi stret bladlaen blong Johnny Ngar Ngar?*

## 3. BACKGROUND BLONG CASE

### KLEIMEN

Kleimen emi filem kes I kam long kot mo statem se:

1. Johnny Ngarngar emi stret nem blong family Buer we christian nem blong em emi Bob
2. Emi statem se em I stap usem nem ia Johnny Ngarngar Merif long taem finis kasem tedei
3. Emi statem tu se oli usem nem ia long ol card blong vote wetem long lease blogn Tisman Skul
4. Emi statem se stat long namba 2 April 2015 family Susurup emi kleim se emi blong olgeta
5. Johnny Ngarngar emi birth nem blong em and Kastom nem blong em emi Merif afta we emi mekem namangi ( Killeme Pig)
6. Emi statem se Balang Vet emi bonem 2 brata we emi Johnny Ngarngar Merif mo Gonas Gar we tufala I stret brata
7. Johnny Ngarngar emi no gat pikinnini be brata blong em Gonas Gar emi bonem family laen blong Bob

Long taem blong cross examinesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

1. Johnny emi bin long 1872 mo emi ded long 1974 mo oli berem em long Humovet nasara we emi nasara blong em
2. Johnny emi pem woman blong tu apu blong em we emi Buer (Bob) mo Simeon
3. Johnny emi pem woman blong ol papa blong olgeta John Bob mo Saiken Simeon
4. Emi talem tu se Johnny emi gat relationships wetem wan man Epi mo blong mekem se relationships ia emi strong man Epi ia emi gem wan gel long em blong Johnny emi lukaot we emi Lelong be emi no adoptem Lelong
5. Taem Lelong emi ded Seth Susurup emi mekem Kastom I kam long Bob blong talem Tanku long Johnny Ngarngar
6. John Bob emi stap tekem mani (vatu) tru long nem blong Johnny Ngarngar kasem 2007 we emi ded
7. Long 2008 Seth Susurup emi agri blong Kensy Susurup long behaf blong family Susurup mo Massing Bob blong tekem money long behalf blong Johnny Ngarngar



8. Emi talem se emi usem nem Bob instead long Johnny Ngargar from we emi semak blad nomo
9. Emi no save nem blong papa blong Lelong
10. Emi talem se famili Susurup oli pem ded blong Lelong I ko long family Bob from we Johnny Ngargar nao lukaot long Lelong mo blong talem tanku long em even though we emi no adoptem Lelong
11. Woman blong Johnny emi blong Vanabur nasara antap long bush
12. Mama blong Johnny emi blong Vunganas nasara
13. Emi confemem se Lelong emi mama blong Susurup
14. Emi confemem se Susurup emi kleim follem mama blong em
15. Emi confemem se Gonas Gar emi fes bon mo Johnny Ngargar emi second bon
16. Johnny Ngargar emi no gat any pikinnini
17. Emi confemem se I no gat wan decision we blong Tisman skul yet long saed blong graon
18. Emi talem se Johnny Ngargar tufala I relate nomo from we Tisman I stap long 2 boundri so tugeta family mas sign
19. Emi talem se long Kastom sapos fes bon I ded then evriting blong em bae second bon nao I gat raet long em

Fes witness emi Roger Bob blong Rerep vilij long Tisman emi witness mo talem se:

- 1) Johnny Ngargar emi gat wan brata nomo we emi bonem John Bob we emi son blong em
- 2) Johnny Ngargar oli berem em klosap long Gonas Gar
- 3) Johnny Ngargar emi adoptem papa blong em John Bob

Long taem blong cross examinesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Emi stap usem ol property blong Johnny naia olsem coconas mo graon
- 2) Johnny Ngargar emi blong Humovet
- 3) Emi talem tu se papa I givim deit of birth blong Johnny logn em we emi 1872
- 4) Emi talem se emi Roger Bob mo I no Roger Ngargar
- 5) Emi confemem long kot se Gonas Gar emi fes bon
- 6) Emi se Johnny adoptem papa blong em from we emi no gat pikinnini
- 7) Emi talem long kot se Gonas Gar emi ded mekem Johnny Ngargar tekem ol property blong em
- 8) Emi confemem tu se Johnny Ngargar wetem Bob, Bob nao emi tekem rank from we emi Jif

Secon witness emi Massing Bob blong Rerep vilij long Tisman emi witness mo talem se:

- 1) Johnny emi blad blong em we emi bon long 1874 mo emi ded long 1974. Johnny emi gat wan brata nomo Gonas Gar mo em mo ol brata blong em nao oli berem Johnny Ngargar



Long taem blong cross examinsesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Grave blong Johnny emi stap long Humovet
- 2) Emi se emi Massing Bob mo I no Massing Ngarngar
- 3) Emi talem se family Bob nao emi mekem cement blong grave blong Johnny
- 4) Emi confemem se papa blong em Bob emi ded long 1962 mo Johnny emi ded long 1974
- 5) Emi no save confemem se Seth Susurup I kam blong pat blong paymen blong Tisman skul olsem wanem

Namba tri witness blong kleimen emi John Morrison Simeon blong Rempe vilij Southeast Malekula emi kam mo talem long kot se:

1. Emi wan Jif
2. Famili tri ia emi bin pass frini long vilij kot

Long taem blong cross examinsesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Johnny Ngarngar emi blong Humovet
- 2) Emi jeaman blong counsel of jif long Tisman
- 3) Emi no save se Johnny gat sista or no
- 4) Emi talem se gat 2 kot finis we family Bob oli usem famili tri ia we oli bin agensem em long wan nara kes
- 5) Emi confemem logn kot se family Susurupoli pat wetem famili tri ia be oli follem woman

Namba fo witness emi Paul Esau blong Rerep vilij long Tisman emi talem long kot se:

- 1) Emi secretary blong counsel long vilij kot long Tisman
- 2) Emi talem tu se kleimen emi bin usem famili tri ia long 4 vilij kot finis long Tisman mo long eria tribunal

Namba faev witness emi Willie Tasso blong Rerep vilij long Tisman emi talem long kot se:

- 1) I bin gat wan Kastom ceremony long ded blong olfala woman ia Lelong
- 2) Defendan mo ol family blong em nao oli bin mekem Kastom I ko long family blong kleimen

Long taem blong cross examinsesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Emi confemem se Johnny Ngarngar emi lukaotem Lelong mo tekem se emi pikinnini blong em
- 2) Emi talem tu se Lelong emi blong Epi mo man blong em emi Shem Susurup

DEFENDAN



Defendan we emi Kelep Maka spokesman emi filem response blong em olsem we kot bin talem long em mo emi statem se:

1. Johnny Ngarngar emi laef mo wokbaot long graon blong Vunganis from emi uncle blong nasara ia
2. Emi stap wetem gel blong em Lelong kasem 1962 sik I kasem em
3. Shem nao we I man blong Lelong emi tekem em I ko long hospital mo I helpem em taem we emi harem no gud
4. Long 1974 emi ded mo oli mekem mekem ol ceremony long ded blong em
5. Emi talem tu se Johnny mo Bob tufala I no bon long wan papa mo mama
6. Mama blong Johnny emi blong Vunganes mo mama blong Bob emi blong Unua
7. Papa blong Johnny emi Humovet
8. Johnny emi gat wan gel nomo we emi Lelong
9. Johnny emi wok nomo long graon blong Vunganes we emi basket blong kaikai blong mama blong em

Long taem blong cross examinsesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Mama blong Johnny nem blong em Rehur we emi Kastom nem blong em mo em blong Vunganes
- 2) Horteng emi blong Humovet we emi bigfala nasara long Tisman
- 3) Emi confemem long kot se risen why emi kleim emi follem mama blong em
- 4) Emi confemem tu se Lelong emi blong Epi
- 5) Emi talem tu se Johnny no gat brata
- 6) Mo emi confemem se Johnny papa blong em I difren mo Gonas Gar papa blong em I difren
- 7) Emi talem tu se Merif emi minim namba 2 step long ranking
- 8) Emi talem tu se Rehur laef blad blong em emi Lelong
- 9) Emi confemem tu se raet blong Johnny Ngarngar emi blong Lelong

Fes witness emi Lalasa Susurup blong Rerep vilij long Tisman emi witness mo talem se:

1. Defendan emi register long Johnny Ngarngar
2. Family Bob oli bin stap usem ol difren nem long taem blong kot we oli usem Bob, Malfet mo Johnny
3. Counsel blong Tisman follem tri fala nem ia oli no save confemem se family Bob emi blong olgeta

Long taem blong cross examinsesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Emi talem long kot se family Bob oli should register long nem ia Bob from emi nem blong apu blong olgeta
- 2) Emi talem tu se mama blong olgeta nao should register long nem ia Johnny Ngarngar from emi blong mama blong olgeta
- 3) Emi confemem tu se Johnny emi difren papa mo Gonas Gar emi difren papa



Secon witness emi Karen Barang Rengvanu blong Rerep vilij long Tisman emi witness mo talem se:

1. Johnny mo Bob emi tu difren man
2. Johnny mama blong em blong Vunganes
3. Bob mi no save se mama blong em blong wea
4. Johnny papa blong mi emi funny long em

Long taem blong cross examinesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Emi confemem logn kot se kleimen emi blogn Movet mo Johnny emi blogn Movet
- 2) Emi confemem tu logn kot se Gonas Gar mo Johnny Ngarngar tufala I tu difren fomesen mo tu difren man
- 3) Emi confemem long kot se emi save long Johnny ngarngar from emi stap base wetem papa blong em
- 4) Emi confemem tu se emi luk Johnny
- 5) Emi confemem tu se emi no save se hao nao Bob emi relate wetem Johnny be papa blong em emi singaot wan difren calling long Johnny mo wan difren wan long Bob
- 6) Emi confemem tu se emi no save long Gonas Gar be emi save Bob nomo
- 7) Emi talem tu se mama blong Bob emi blong Unua mo mama blong Johnny emi blong Vunganis
- 8) Emi no save se papa blong Bob emi blong wea
- 9) Emi confemem tu se mama blong Bob stap wetem Hombar we emi papa blong Simeon
- 10) Emi confemem tu se Johnny tekem nem ia Merif from we emi wan Kastom nem
- 11) Emi confemem tu se Merif nem ia anyone I save tekem nem ia

Namba tri witness emi Johnety Susrup blong Rerep vilij long Tisman emi witness mo talem se:

1. Blad laen blong Lelong emi kam maot long Johnny Ngarngar

Long taem blong cross examinesen, ri examenesen mo examenesen in jif emi talem mo confemem long kot se:

- 1) Emi confemem se emi blong Vunganes ples blong papa blong em mo Johnny Ngarngar emi blong Mouvet we emi ples blong mama blong em
- 2) Emi confemem tu long kot se long Kastom sapos I no gat man surviving blad then woman save tekem raet
- 3) Emi confemem tu se mama blong em Lelong emi registered long nem blong Johnny olsem papa blong em long birthcertificate blong em
- 4) Emi confemem tu se Lelong gat I sista nomo
- 5) Emi talem tu se Johnny emi wok logn sip blong Oscar Newman mo taem oli stap sail long ol aelan kasem Epi nao emi gem pikinnini long Serah we emi bonem Lelpong



- 6) Emi confemem tu se taem Lelong emi ded oli mekem wan ceremony i ko long Mouvet nasara from we emi laef long em
- 7) Emi confemem tu se Bob mo Johnny tufala I gat difren papa

#### **4. COURT FINDINGS**

##### **FAMILY KALPEN BOB**

1. Johnny Ngarngar emi mekem wan Kastom namangi blong pig killing blong tekem Kastom nem ia Merif
2. Long Kastom nem ia Merif emi fes Kastom nem we yu save mekem namangi blong tekem nem ia Merif
3. Kalpen Bob emi talem se Johnny Ngarngar emi kam maot logn nsara blong em we emi Kastom nasara ia Mouvet
4. Family Bob oli usem nem ia Johnny Ngarngar blong tekem lease blong Tisman School
5. Why nao Family Bob emi no challengem family Susurup from lease blogn Tisman School
6. Family Bob oli stap usem nem ia Johnny Ngarngar be oli no usem nem ia Gonas Gar wetem Balang Vet we tufala I stap long family tri blong olgeta
7. Family Bob olsem kleima oli talem long kot se man ia Johnny Ngarngar emi second bon blong olfala Balang Vet, Gonas Gar emi fes bon
8. Kot I faenem maot se man ia Johnny Ngarngar emi second bon emi mekem Kastom namangi pig killing blong tekem Kastom nem ia Merif be from wanem nao fes bon I no save mekem follem Kastom
9. Famili tri blong family Bob oli no soem man ia Johnny Ngarngar emi gat wan sista mo Lelong emi stret pikininini blong Johnny mo oli no connectem Johnny wetem John Bob olsem wan adopsen. I luk olsem family tri I no complit
10. Kot I faenem maot se adopsen we John Bob I stap talem long kot se Johnny I adoptem em I no gat evidence mo proof long em
11. I gat question long Kastom se second bon son blong wan jif I save mekem Kastom namangi pig killing blong tekem wan Kastom nem olsem Merif while fes bon son I laef yet

##### **FAMILY SUSURUP**

1. Johnny Ngarngar I mekem wan Kastom namangi killem pig blong tekem nem ia Merif olsem wan Kastom nem
2. Johnny mama I kam long Vunganes nasara , Bob mama blong em I kam long Unua
3. Johnny mo Bob tufala I no liv tugeta
4. Woman ia Lelong emi pikinnini blong Johnny wetem woman Epi
5. Olfala ia Horteng blong Movet nasara
6. Taem kot I questionem defendan se Johnny I gat sista ansa se yes nem blong em Rembong stap long family tri



7. 3 Witness oli kam blong talem long kot se Johnny emi gat difren papa mo Gonas Gar emi difren papa
8. Kot emi faenem maot se I no gat wan surviving blad blong Johnny long Muovet nasara I gat nomo long Vunganes nasara tru long gel blong em Lelong
9. Kot I faenem maot se I gat confemesen long kot se fes bon son blong wan famili follem Kastom bae em nao I kam wan jif mo mekem namangi blogn tekem nem ia Merif bae I no second son
10. Family Susurup oli mekem Kastom I ko long family Bob blong talem tankiu from oli lukaotem woman ia Lelong we emi pikinnini blong Johnny long nasara blong olgeta Movet
11. Kot I faenem maot se woman ia Lelong emi still usem family nem blogn em olsem Johnny Ngarngar Merif

5. **COURT ORDERS**

1. Woman ia Lelong wetem ol pikinnini blong em oli stret blad blong Johnny Ngarngar
2. Family Bob oli nomo gat raet ia blong usem nem ia Johnny Ngarngar Merif

**ODA IA KOT I MEKEM LONG 06 BLONG MANIS AUGUST 2021**

**BY THE COURT**



Justice Patisson PETER



Justice Johnsen FRAZER



Justice Douglas FADAL

Chairperson

