

**BETWEEN:** GASPARD TOMMY

Represented by Jean Paulo Lino

**Claimant**

**AND:** JEFFREY WILLIAM

Represented by Amsen William

**Defendant**

*Date of Hearing:* 21 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.

Kes ia emi filed I kam long Aelan kot long namba 25 October 2018.

## **2. ISSUE BIFO LONG KOT:**

*1) Whu long tufala parties emi gat raet long nem ia "Meltekrelnaur"?*

## **3. BACKGROUND BLONG CASE**

### KLEIMEN

Kleimen we emi represented by spokesman Jean Paulo Lino emi filem kleim I kam long kot mo statem:

1. Kleimen emi filem kes I kam blong talem se emi stap act or representem Gaspard Tommy we emi liv long New Caledonie mo emi representem em from we mama blong em Likon emi sista blong Tommy we Gaspard Tommy emi son blong em
2. Emi statem long kleim blong em se Family David Apia mo Family William Jeffrey oli no bin usem Meltekrelnaur long family tri blong olgeta long PRV lan kes
3. Meltekrelnaur emi property blong Gaspard Tommy
4. Meltekrelnaur emi family tri blong gaspard Tommy
5. Family William mo Family Tommy emi two difren man mo, 2 difren blad laen mo oli usem 2 difren family tri
6. Family David Apia William mo Jeffrey William tufala I 2 difren blad laen we tufala I gat 2 difren tribe.

### DEFENDAN

Spokesman blong defendan we emi Amsen William emi filem wan respon we emi applikesen blong strikem maot kes ia long ol risen ia:

1. Family William oli bin usem long family tri Meltekrelnaur we oli winim lan kes blong PRV long Naur mo Danev tru long nem ia
2. Malekula aelan kot emi bin mekem findings mo declarem se Tamau, Jeffrey mo Kennery oli stret bladlaen blong William we I kam maot long 15 march 2019 we family rti we oli bin usem emi statem long Meltekrelnaur
3. Magistrate emi bin upholdem decision blong Malekula Aelan kot blong 15 March 2019 and decision I made long 17 June 2020
4. Long kes blong PRV lan kes Gaspard Tommy emi bin apilim decision agensem sam nara party be I no family William
5. Jean Paulo Lino emi no gat raet blong representem Gaspard Tommy unless emi mekem applikesen I ko long Supreme kot mo Supreme kot nomo bae emi grantem mo mekem oda blong allowem em I representem Gaspard Tommy we I ded finis
6. Gaspard Tommy nao emi wan party long PRV lan kes and emi no Jean Paulo Lino so Jean Paulo Lino emi no should wastem taem blong kot blong
7. stap challengem kes ia

## **4. COURT FINDINGS**



- 1) Kot I faenemaot se I bin gat wan kes finis we emi bitwin Jeffrey William –v- Mansel David Apia we I bin pass long Aelan Kot we emi civil case 2840 of 2018
- 2) Kot I faenem maot se long taem blong aelan kot long Civil case 2840 of 2018 Jeffrey William emi bin startem family tri blong em blong usem nem ia Meltekrelaur
- 3) Kot I faenemaot se tru long man ia Meltekrelaur ia nao emi kasem family William
- 4) Kot I faenem maot tu se Jean Paulo Lino emi no bin appeal agensem decision blong Civil case 2840 of 2018

5. **COURT ORDERS**

1. Kot emi dismissem Civil case 2971 blong 2018
2. Eni long ol parties I no hapi long decision ia emi gat 30 dei blong emi apil ko long Magistret kot

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

**BY THE COURT**



Justice Patisson PETER



Justice Johnsen FRAZER



Justice Douglas FADAL

Chairperson

