

BETWEEN: JACKSON ETEI

Represented by Father Jacklo Etei

Claimant

AND: JIMMY THOMPSON

Defendant

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

ORDER

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 09 November 2018.

2. ISSUE BIFO LONG KOT:

1) *Whu long tufala parties I gat raet long nem ia "Tumilnan"?*

3. BACKGROUND BLONG CASE

KLEIMEN

Kleim blong kleimen I statem se:

1. Tumilnan emi pikinnini blong apu blong olgeta Tunapit
2. Papa blong Tumilnan taem emi laef papa blong em I stap wetem em taem we emi de dem i talem se bae Tumilnan mo mama ko stap wetem papa.
3. Papa emi adoptem Tumilnan we emi gem wan pig blong adopsen ia
4. Emi talem tu se papa blong Tumilnan papa blong em emi Yanani we emi blong Udualo antap long bush
5. Emi talem se risen why ol property blong Tumilnan I stap wetem defendan from we olgeta I putum wetem mama blong em blong emi stap usem
6. Wan property blong Tumilnan we defendan emi tekem maot emi wan smol barik coconas
7. Tumilnan emi gat wan nara papa long pupu long Etei
8. Etei emi generesen blong Hanbel we emi wan difren family tri
9. Emi confemem long kot se emi no bladlaen wetem Tumilnan
10. Mo Tumilnan emi wan jif
11. Emi confemem se papa blong em I lukaot woman blong em mo mama blong Tumilnan
12. Tumilnan emi singaot papa blong papa blong em
13. Emi talem tu se defedan emi usem nem ia Tumilnan from we emi kamaot long Amel Barei
14. Emi se risen why emi no usem Tumilnan from we emi brata blong em
15. Emi confemem tu se defendan wetem Tumilnan tufala I semak nasara

Fes witness emi Saiken Etei blong Brenwei vilij emi witness mo talem se:

- 1) Tunapit emi apu blong em
- 2) Apu blong em emi mekem circumcise blong Tumilnan
- 3) Apu blong em emi adoptem Tumilnan olsem pikinnini blong em
- 4) Apu blong em emi muv wetem em I kam long solwota mo I ded
- 5) Emi confemem long kot se man we I stap wetem mama blong Thompson (defendan) emi long semak nasara wetem Tumilnan
- 6) Emi no save se Tumilnan I gat brata or no

Secon witness blong kleimen emi Tom Lunabek we emi kam wetem son blong em from we sorae blong em I fas mo ey blong em I no lukluk gd long em. Emi talem long kot se:

1. Emi kam daon long Amok we emi gat I yia
2. Haos blong em klosap long Tmilnan mo Tunapit



3. Emi singaot tawi long Tunapit mo uncle long Tumilnan
4. Emi talem se emi luk Tumilnan stap follem Tunapit I ko long Karen
5. Emi no save mo nbo luk kastom adopsen we Tunapit mekem from Tumilnan
6. Emi save tu se smol coconas barik blong Tumilnan emi emia we defendan emi tekem be emi no save se whu I plannem
7. Taem we emi kam daon emi luk Tumilnan emi no shave yet emi wan yangfala boe nomo
8. Risen why mi stap kam daon long vilij emi from we Tunapit emi stap wetem sista blong em

Namba tri witness emi Joshua Kalmanu blong Tulwei vilij Northwest Malekula emi talem long kot se:

- 1) Emi kam maot long Piter mo kam stap long Brenwei vilij mo emi luk Tumilnan I stap wetem Tunapit long Navet Barey taem ia emi gat 20 yia
- 2) Emi luk mo harem Tumlinan emi singaot papa blong Tunapit from we emi adoptem em
- 3) Tumilnan oli berem long bury graon mo kleimen emi no mekem grave blong em

Namba fo witness emi Morlyn Etei emi talem long kot se:

- 1) Tumilnan emi stap wetem Tunapit
- 2) Jacklo emi gat sam brata be oli ded

DEFENDAN

Defendan emi filem response mo statem se:

1. Tumilnan emi pikinnini blong Anbel Mano long nakamal Parah long Udualo
2. Tumilnan emi pupu blong defendan
3. Mama blong em emi stap wetem Aribtahi
4. Emi no save se Tumilnana gat amas pikinnini wetem Limak
5. Mama blong Thompson emi stap long nakamal Amel Barey nao afta I ded
6. Emi kleim Tumilnan from we emi kam tru long Hannbbel
7. Tumilnan emi blong traeb blong Amel Barey
8. Emi no save long stori we Tunnapit emi lukaot long mama blong Tumilnan
9. Tumilnan emi smol pupu blong em
10. Emi talem tu se kleimen emi no gat raet blong adoptem nem ia

Fes witness blong em emi Stephen Ruben blong Brenwei vilij emi talem long kot se:

1. Long vilij I gat 3 jif we emi em, Jacklo we emi representem jif Basil mo Lui Amon we oli wok tugeta
2. Tumilnan emi pupu blong Jimmy
3. Lebak man blong em Aritabah, taem we Aritabaha emi ded Tumilnan emi tekem Lebak
4. Emi luk Tumilnan emi no gat pikinnini
5. Tumilnan emi ded nomo long haus blong em



6. Lebak emi stap nomo long eria blong Jimmy afta emi ded
7. Emi luk Tunapit nao emi mekem wok olsem papa blong Tumilnan
8. Emi no save from wanem nao Tumilnan stap wetem Tunapit
9. Tumilnan emi brata blong Aritapha taem Aritapha emi ded Tumilnan emi stap wetem woman blong em

Secon witness emi August Helnidalu blong Brenwei vilij emi talem long kot se:

1. Tumilnan mo defendan tufala I blong semak nakamal
2. Tunapit emi governem olgeta evriwan be Tumilnan emi blong Amel Barey
3. Emi confemem tu se Tumilnan emi stap wetem Tunapit taem we oli mov I ko long solwota
4. Emi stap wetem Tunapit from we Tunapit ron wei ko long Amel Barey
5. Tumilnan emi stap wetem Tunapit kasem we emi ded be ol property blong em mas ko long Jimmy Thompson

Namba tri witness Kevry Niptivk blong Leviamp vilij emi talem long kot se:

1. Taem we emi kam stap wetem defendan tufala stap wok long ol ples we emi blong papa blong Thompson
2. Emi confeme se tufala usem smol coconas barik blong Tumilnan we kleimen emi neva challengem em from long kot
3. Emi no save long Tumilnan

4. COURT FINDINGS

- 1) Kot I faenem maot se papa blong Tumilnan emi wan difren man we nem blong em Yanani
- 2) Kot I faenem maot se taem Tumilnan emi smol emi liv nomo wetem Tunapit be Tunapit emi no papa blong em
- 3) Kot I faenem maot se Tumilnan wetem mama blong em I kam stap wetem Tunapit follem nomo agrimen blong papa bklong Tumilnan bifo emi ded
- 4) Kot I faenem maot se Tunapit wetem Yanai I maretem tufala sista
- 5) Ol witness blong kleimen oli luk we Tumilnan emi liv wetem Tunapit
- 6) Kot I faenem maot se bigfala brata blong Tumilnan emi Aritabi taem we Aritabi emi ded Tumilnan emi stap wetem woman blong em
- 7) Ol witness blong defendant u oli confemem long kot se oli luk Tumilnan emi stap wetem Tunapit
- 8) Kot I faenem maot se Tumilnan be emi stret blad laen blong defendan Jimmy Thompson
- 9) Kot I faenem maot se I gat wan kastom adopsen we Tunapit I mekem blong tekem maot Tumilnan we follem kastom blong yumi kot emi recognisem

5. COURT ORDERS

1. Man ia Tumilnan emi blong Kleimen we emi Jackson Etei



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

