

IN THE BANKS/TORRES ISLAND COURT
OF THE REPUBLIC OF VANUATU

Civil
Case No. 21/202 IC/CIVL

.....
(Civil Jurisdiction)

BETWEEN: NELSON LEO

Applicant

AND: STEWARD BARASH

Defendant

CORAM: Justice Raymond SIPLAQ
Justice Abel PATTERSON
Justice Gracetella SMITH

DOH: 25th February 2021
DOJ: 25th February 2021

CASE: APPLICATION FOR COMPENSATION TO PROPERTIES

JUDGEMENT

Introduction

1. This is an application for compensation to the claimants properties claimed to be removed or harvested by the defendant on the claimants land.
2. It was claimed by the claimant that since the years 2000 the defendant had been entering their family land without their permission. He claimed that the defendant had been harvesting thatch leaves and wild yams.



Issues;

3. Whether or not the properties claimed belongs to the claimant?
4. Whether or not such properties are being removed or harvested by the defendant?

Claimant's Application

5. The claimant submitted for the defendant to compensate for 30 thatch trees which were chopped down valued at 15,000 VT and 34,800 VT for 116 wild yams which were harvest. A total claim of 50,800 VT submitted. (including 1,000 VT as court fees)

Defense & Counter-Claim

6. No response filed the defendant.

Appearance

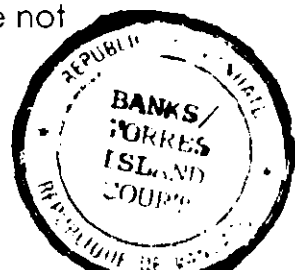
7. Both parties are present in Court.

Court Findings

8. The Court finds out that:
9. The claimant had not provide enough evidence in support as to the right or ownership of the properties claimed.
10. For the second issues, it has been agreed that many people are entering the said land including the defendant. Which they claimed their entry is authorized by other people who claimed to have the ownership of parts of the said land.
11. Therefore it is not appropriate for the court to decide on such matter.
12. It is ordered as follows;

COURT DECISION & ORDER

13. This matter is dismissed accordingly. Parties are advised to sort this issues between themselves with the assistance from the chiefs.
14. No Orders as to cost.
15. Liberty is given to all parties to appeal within 30 days if they are not satisfied with this decision.



Dated at Sola- VANUA LAVA, this 25th February 2021.


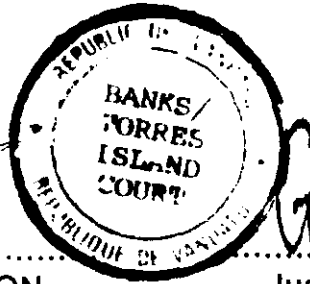
BY THE COURT



Justice Raymond SIPLAQ



Justice Abel PATTERSON



Justice Gracetella SMITH