

**IN THE BANKS/TORRES ISLAND COURT CIVIL CASE NO 16/1778 IC/CIVL
OF THE REPUBLIC OF VANUATU**

.....
(Civil Jurisdiction)

BETWEEN: LEMIS JOEL

Claimant

AND: MALCOM MAKENZIE

Defendant

CORAM: *Justice Raymond SIPLAQ
Justice Selina JISINOLD
Justice Tom MOSES*

Clerk: *Dimas ARU*

DOH: *28th April 2021*
DOJ: *28th April 2021*

CASE: **APPLICATION FOR DEBT SETTLEMENT**

JUDGEMENT

Introduction

1. This is an Application for the settlement of outstanding debt brought before this court by the claimant, Lemis Joel, against the defendant, Malcom Makenzie.
2. The claimant claims that the defendant has an outstanding debt of 60,000 Vatu being for remaining claimant's labour cost for building a house which belongs to the defendant.

Issue

3. Whether or not there was a contract between the claimant and the defendant?
4. Whether or not there is a breach of the contract?



Appearance

5. Appearance of both parties.

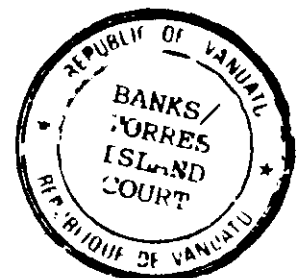
Court Findings

The Court finds out that:

6. The defendant had agreed with the statements of claim lodged against him, however stated that the payments as agreed were delay to several reasons. First being that the claimant had failed to complete the building as agreed, leaving the defendant with no option but to find other builders to complete the house. The second reason was that the house was not build as planned. And finally, the defendant feel that his spending on the building exceed as agreed, which he had to contract additional builders to complete the unfinished building.
7. After considering all facts, the court made the following Orders:

COURT ORDER

8. Defendant Malcom Makenzie, you are ordered to settle the outstanding debt of 30,000 VT, to the claimant.
9. Payments should be completed within 3 months, which is before the 28th of July 2021.
10. The claimant's full claim was refused by the court, in the reason that this can only be granted if the building has been completed by the claimant, as agreed.
11. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.



Dated at Aver Bay- GAUA, this 28th April 2021.

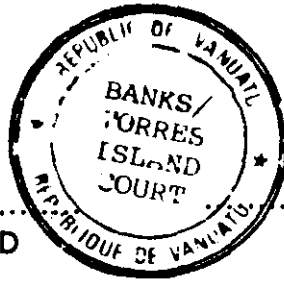
BY THE COURT



Justice Raymond SIPLAQ



Justice Selina JISINOLD



Justice Tom MOSES