

**IN THE BANKS/TORRES ISLAND COURT CIVIL CASE NO 2063 OF 2021
OF THE REPUBLIC OF VANUATU**

.....
(Civil Jurisdiction)

BETWEEN: ROSE GOROS

Claimant

AND: ELTON LEVI

Defendant

**CORAM: Justice Raymond SIPLAQ
 Justice Patrom WOSEI
 Justice Keith HOPKINS**

Clerk: Dimas ARU

DOH: 23rd July 2021

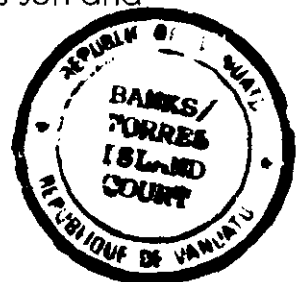
DOJ: 23rd July 2021

CASE: APPLICATION FOR COMPENSATION [LOSS- CUSTOM MARRIAGE CEREMONY]

JUDGEMENT

Introduction

1. This is a compensation claim lodged by the claimant against the defendant. The defendant is related to the claimant as her biological brother.
2. It was claimed by the claimant that her son and the defendant's daughter were once having affairs. Upon agreements, a custom marriage ceremony was performed by their (claimant's) family to the defendant's family. And the duo lived together.
3. However, due to the involvement of the defendant (and his families) on certain arising issues between the couple (the claimants son and the defendants daughter), they later separated.



4. Therefore the claimant now seek for the defendant to meet the loss incurred by them (claimant and families) during the custom marriage ceremony. (Excluding pride prize).

Issue:

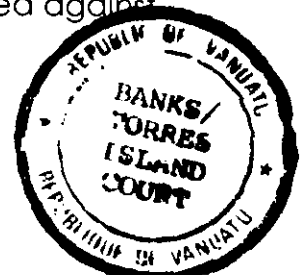
5. Whether or not a custom marriage ceremony has been performed by the claimant (and their family) to the defendant (and their family) which is for the custom marriage of the claimant's son and the defendant's daughter? If there are any loss incurred by the claimant and families during such ceremony?
6. If such separation warrants a compensation on the loss incurred? And if it is the defendant who is to be held responsible to meet such costs?

Claimant's Facts

7. The claimant claims that this case is related to the relationship between her son, Silee and the defendant's daughter, Zimon.
8. Following such relationship, a custom marriage ceremony was conducted which is in accordance to custom to bind the duo. It was around September 2020. It is on such date, that the loss were incurred.
9. However, on April this year, 2021 after some internal issues between Silee and Zimon, the defendant and his wife decided not to return Zimon to the claimant's son, Silee.
10. The claimant claims that all attempts were made to settle the matter between them to reunite the duo, but all offers were rejected by the defendant and his wife.
11. The claimant therefore submit for the defendant to compensate them at an amount of 30,000 vatu as the loss incurred during the custom marriage ceremony and 1,000 vatu as filing fee.

Defense & Counter-Claim

12. Upon receiving the claim, the defendant file his response together with a counterclaim.
13. In his response, the defendant dispute the full claim lodged against him.



14. In his denial statement, he (the defendant) claims that they (defendant and their families) have also contributed towards the custom marriage ceremony.
15. He submitted for the court to consider his contributions as part of the payments claimed, as set-off.

Appearance

16. Both parties are present in Court.

Discussions

17. A trial has been conducted pursuant to Rule 6(6) of the Island Courts [Civil procedure] rules, after the defendant denied the claim.

Evidence for the Claimant

18. The claimant spoke in support of her claim.

Evidence for the Defendant

19. The defendant agreed that a custom ceremony has been conducted to bind the relationship between his daughter and the claimant's son relation, however, claimed that they all have contributed to carry out the ceremony.
20. His (defendant's) loss includes 2 bags of rice, 14 fishes, kava worth of 3,000 vatu and battery (Use for dive) worth of 1,000 Vatu.

Court Findings

21. The Court finds out that:
22. Firstly, in answer to the issue, Whether or not a custom marriage ceremony has been performed by the claimant (and their family) to the defendant (and their family) which is for the custom marriage of the claimant's son and the defendant's daughter? Yes. Part of the first issue, 'If there are any loss incurred by the claimant and families during such ceremony? The answer is yes.
23. The claimant's son, Silee and the defendant's daughter, Zimon had now separated.



24. It was also found out that the defendant and his families have also contributed towards the custom marriage ceremony, therefore regarding the issue, if such separation warrants a compensation on the loss incurred? And if it is the defendant who is to be held responsible to meet such costs? In view by the court, the defendant is not to be held full responsible on the full costs incurred.

25. After considering all facts, the court made the following Orders:

COURT DECISION & ORDER

26. Defendant, Levi Elton, you are ordered to compensate the Claimant an amount of 10,000 Vatu as compensation claim and 750 vatu as court fee. Total amount to be paid is 10,750 Vatu.

27. Payments should be completed within 2 months, which is before the 23rd of September 2021.

28. The claimant's full claim was refused by Court.

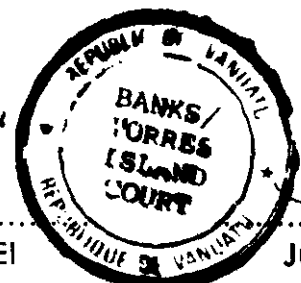
29. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

Dated at Sola- VANUA LAVA, this 23rd July 2021

BY THE COURT


.....
Justice Raymond SIPLAQ

Patrom - Wosei
.....
Justice Patrom WOSEI


.....
Justice Keith HOPKINS

