

**IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 2433 OF 2021  
OF THE REPUBLIC OF VANUATU**

.....  
(Civil Jurisdiction)

**BETWEEN: MARTIN MERA**

*Claimant*

**AND: VICTORIA DINIWOK**

*First Defendant*

**AND: KAMUAL DINIWOK**

*Second Defendant*

**CORAM: Justice Raymond SIPLAQ  
Justice David ROBSON  
Justice Abel PATTERSON**

**Clerk: Dimas ARU**

**DOH: 26<sup>th</sup> July 2021**

**DOJ: 26<sup>th</sup> July 2021**

**CASE: APPLICATION FOR DEBT SETTLEMENT**

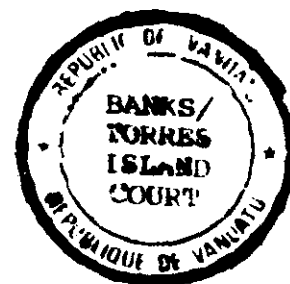
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**JUDGEMENT**

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**Introduction**

1. This is an Application for the settlement of outstanding debts claimed by the claimant to be unpaid by the two defendants for usage of the Ureparapara Sea Transport Services, which is managed by the claimant.
2. The amount of the unpaid debt is 28,000 Vatu. The claimant also claim the filing cost.



### **Issue**

3. Whether or not the defendants had made an arrangement for the Ureparapara sea transport service to make a trip on 19<sup>th</sup> May 2019?
4. Whether or not this service was unpaid or was not fully paid by the defendants?

### **Claimant's Claim**

5. The claimant is the newly appointed manager of the Ureparapara Sea Transport Services (Boat).
6. This debt was recorded by the former management.
7. It was claimed that on or around the month of May 2019, the defendants made an arrangement for the boat to make a trip from Dives Bay, Ureparapara to Port Patterson, Vanua Lava.
8. This trip was to deliver a named, Edmond Hillary after attending his father funeral.
9. Attempts were made for the defendant to settle the debt, with no success, therefore the claimant pursues the matter before this Court to order the defendant to settle the outstanding debt.
10. The claimant claims an amount of 28,000 VT as the outstanding Debt plus 1,000 Vatu as the Court fee. The total claim is 29,000 VT.

### **Defense**

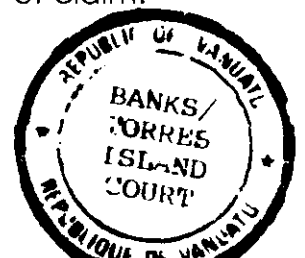
11. No response submitted upon receiving the claim. Neither defense, counter-claim or set-off

### **Appearance**

12. The claimant and the first defendant are present in court. The first defendant represent both defendants. [The second defendant is the first defendant's son].

### **Discussions**

13. A trial pursuant to Rule 6(6) of the Island Courts [Civil procedure] rules, was not required since there was admission on the statement of claim.



**Court Findings**

The Court finds out that:

- 14. There was admission of the truth of the statement of claim. However, the first defendant claims that some payments were already been made to the former management. No records nor receipts were presented to court by neither party to confirm such payments.
- 15. There was a common understanding between the parties in court. And the first defendant has agreed to repay the debt with the assistance of the second defendant, but for the court to allow time.
- 16. With these findings, the court made the following Orders:

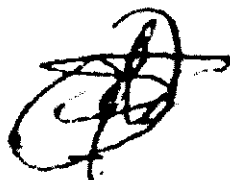
**COURT ORDER**

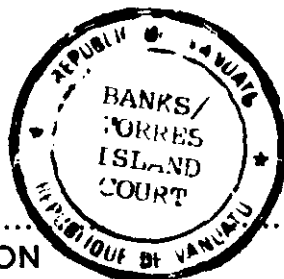
- 17. As agreed, the defendants, Victoria Diniwok and Kamual Diniwok, are ordered to pay to the Claimant the amount of 29,000 Vatu as claimed.
- 18. Payments should completed within 4 months, which is before the 26<sup>th</sup> of November 2021.
- 19. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

**Dated at Sola- VANUA LAVA, this 26<sup>th</sup> July 2021**

**BY THE COURT**

  
.....  
**Justice Raymond SIPLAQ**







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**Justice David ROBSON**

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**Justice Abel PATTERSON**