

**IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 3001 OF 2020
OF THE REPUBLIC OF VANUATU**

.....
(Civil Jurisdiction)

BETWEEN: MARTIN MERA

Claimant

AND: NICOLSON DINI

Defendant

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

Clerk: Dimas ARU

**DOH: 26th July 2021
DOJ: 26th July 2021**

CASE: APPLICATION FOR DEBT SETTLEMENT

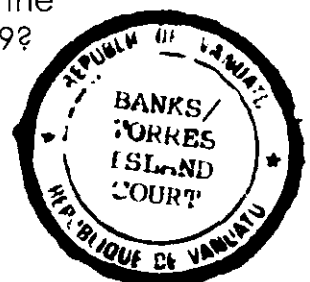
JUDGEMENT

Introduction

1. This is an Application for the settlement of outstanding debts claimed by the claimant to be unpaid by the defendant for using the Ureparapara Sea Transport Services, which is managed by the claimant.
2. The amount of the unpaid debt is 4,000 Vatu. The claimant also claim the filing cost.

Issue

3. Whether or not the defendant had used the services of the Ureparapara sea transport service on 18th of March 2019?



4. Whether or not this service was unpaid or was not fully paid by the defendant?

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 18th March 2019, with the arrangement of the defendant, the boat made a trip to Sola, Vanua Lava.
8. On board the trip are Ureparapara chiefs. They were transported to Sola to receive medals from the President of the Republic of Vanuatu.
9. The trip rate from Ureparapara to Sola, Vanua Lava is 28,000 Vatu.
10. An amount of 24,000 Vatu was paid for that trip, while 4,000 Vatu is still unpaid.
11. 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.
12. The claimant claims an amount of 4,000 VT as the outstanding Debt plus 750 Vatu as the Court fee. The total claim is 4,750 VT.

Defense

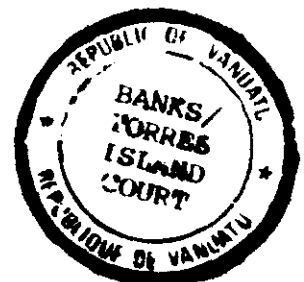
13. No response submitted upon receiving the claim. Neither defense, counter-claim or set-off

Appearance

14. Both parties are present in court.

Discussions

15. 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:

16. There was admission of the truth of the statement of claim. However, there is a reason for the unpaid debt. There is an agreement with the former management concerning the debt to be absolved since the defendant has assisted the transport services to cover some cost of a boat engine.

17. There was a common understanding between the parties in court. And the defendant has agreed to repay the debt, but for the court to allow time.

18. With these findings, the court made the following Orders:

COURT ORDER

19. As agreed, the defendant, Nicolson Dini, is ordered to pay to the Claimant the amount of 4,750 Vatu as claimed.

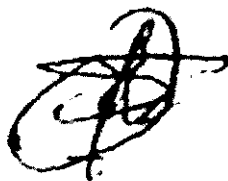
20. Payments should be made within 1 month, which is before the 26th of August 2021.

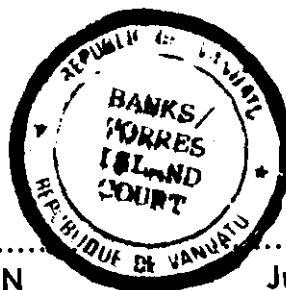
21. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

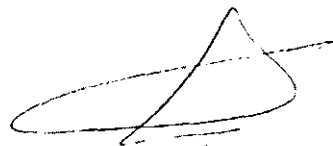
Dated at Sola- VANUA LAVA, this 26th July 2021

BY THE COURT


.....
Justice Raymond SIPLAQ







.....
Justice David ROBSON

.....
Justice Abel PATTERSON