

**IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 1132 OF 2021
OF THE REPUBLIC OF VANUATU**

.....
(Civil Jurisdiction)

BETWEEN: EVELYN HOPKIN

Claimant

AND: PHILIP ESAU

Defendant

CORAM: *Justice Gracetella SMITH
Justice Franklin WOLEG
Justice Keith HOPKINS*

Clerk: *Dimas ARU*

DOH: *24th June 2021*

DOJ: *24th June 2021*

CASE: **APPLICATION FOR DEBT SETTLEMENT**

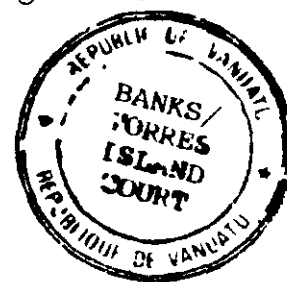
DEFAULT JUDGEMENT

Issue;

- o Whether or not the Defendant has an outstanding debt with the Claimant?

Introduction

1. This is an Application for the settlement of outstanding debt [Loan] brought before this court by the claimant, Evelyn Hopkins, against the defendant, Chief Philip Esau.
2. The claimant claims that the defendants has an outstanding debt of 10,000 Vatu + 2,000 Vatu interest.



3. The defendant took the money as loan on 5th December 2020. The loan figure was 10,000 Vatu which the defendant promise to fully repay by January 2021, however no repayment has been made until then, which resulted in the claim being filed in court.
4. Several 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.

Application

5. The claimant claims an amount of 10,000 VT as the outstanding Debt plus 2,000 Vatu interest plus 750 Vatu as the Court fee. The total claim is 12,750 VT.

Appearance

6. No appearance for the defendant.

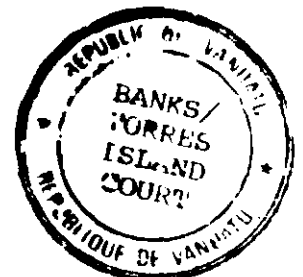
Court Findings

The Court finds out that:

7. There was no appearance for the defendant despite being served with summons to attend court.
8. With the non-appearance of the defendant, the court determined the claim in his absence and gave Judgment in favor of the claimant, pursuant to Rule 4[2] of the Island Courts – [Civil Procedure] Rules, [Non- Appearance of Defendant] states;
*"If a defendant does not appear at the time for the hearing of the claim, the court shall, provided it is satisfied that the statement of claim has been served on the defendant and that there is no good reason for the defendants non-attendance:
(d) Determined in the absence of the defendant the claim of the claimant"*
9. After considering the Claimants Claim, the court made the following Orders:

COURT ORDER

10. Defendant Philip Esau, you are ordered to settle the outstanding debt of 12,750 VT, to the claimant.



11. Payments should be completed within 1 month, which is before the 24th of July 2021.
12. Payments must be made directly to the Court Clerk at the Sola Court House or to the claimant and produce receipt to the clerk for record purpose.
13. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

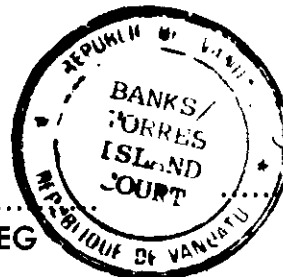
Dated at Sola- VANUA LAVA, this 24th June 2021

BY THE COURT

Gracetella Smith

Justice Gracetella SMITH

[Signature]



[Signature]

Justice Franklin WOLEG

Justice Keith HOPKINS