

BETWEEN: **Freedah Rachel Kalo**
Of Emae Island
Claimant

AND: **Enalyn Apia Willie**
Of Tongoa/Epi Island
Defendant

Date of Hearing: *Thursday 25th November, 2021 at 10:15 am*
Date of Judgement: *Thursday 25th November, 2021 at 10:23 am*
Venue: *Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila*
Before: *Justice T. Kalangis (Presiding Justice)*
Justice S. Paton (Member)
Justice D. Kalsong (Member)
Island Court Clerk: *A. Alain*
In Attendance: *Claimant – Freedah Rachel Kalo*
In Absence: *Defendant – Enalyn Apia Willie*

Copy : *Court File*

DEFAULT JUDGEMENT

An application has been filed on 12th November, 2021 at 11:11 Hours by **Freedah Rachel Kalo** before this court in pursuant to Rule 1(2) of the Island Court Procedure Rules of 2005.

Claimant is seeking orders from the Island Court to order '**Enalyn Apia Willie**' of Tongoa/Epi Island, the defendant to pay *Thirty-Five Thousand Vatu* and also to consider the cost to bring this matter to the court which is a *Thousand Vatu*.

The outstanding debt vatu 35'000 goes towards a sale of new mobile phones that cost 30'000vt and 5'000 vatu cost for telephone credits to go after the defendant.

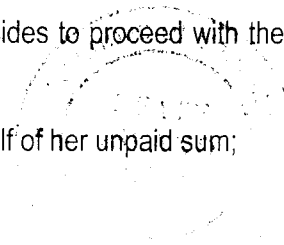
Both parties were summoned and served directly. This matter was supported in open court.

The Claimant appeared in court when called but there is no appearance of Defendant without justification.

Island Court Civil Procedure Rules number 2 (d) read '**Non-attendance of defendant: 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 defendant's non-attendance: (d) determine in the absence of the defendant the claim of the claimant.**

Having read and considered the above Island Court Civil Procedure Rules, the Court decides to proceed with the determination of the application in the absence of the defendant.

Having read, heard and considered the application of claim made by the Claimant on behalf of her unpaid sum;

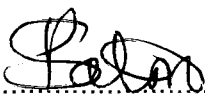


This Court is satisfied and Hereby makes the following Court Orders:

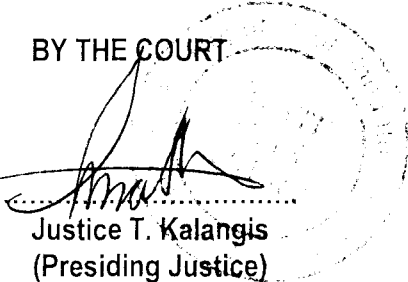
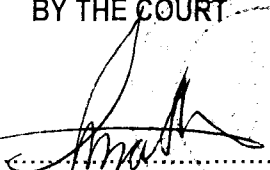
1. The Defendant shall pay 35'000 vatu plus 1'000 vatu cost – total up to 36'000 vatu by fortnightly instalments of 18'000 vatu commencing on the 15/01/2022 directly to the Efate Island Court.
2. If judgement remains unsatisfied, claimant may apply in writing to the Supervising Magistrate of the Efate Island Court for Enforcement;
3. Parties have a right to appeal from that judgment to the Magistrate's Court within 30 days from the date of this judgment.

DATED at Port Vila this 25th November, 2021

BY THE COURT



Justice S. Paton
(Member)



Justice T. Kalangis
(Presiding Justice)



Justice D. Kalsong
(Member)