

BETWEEN: Kila Mangawai  
Of Ifira Island  
Claimant

AND: Enalyn Apia Willie  
Of Tongoa/Epi Island  
Defendant

*Date of Hearing:* Thursday 25th November, 2021 at 9:58 am  
*Date of Judgement:* Thursday 25th November, 2021 at 10:02 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 – Kila Mangawai  
*In Absence:* Defendant – Enalyn Apia Willie

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## DEFAULT JUDGEMENT

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An application has been filed on 12<sup>th</sup> November, 2021 at 10:31 Hours by **Kila Mangawai** 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 *Twenty Thousand* and also to consider the cost to bring this matter to the court which is a *Thousand Vatu*.

*The outstanding debt vatu 20'000 goes towards a sale of new mobile phone that cost 15'000vt and 5'000 vatu cost for telephone credits to go after the defendant.*

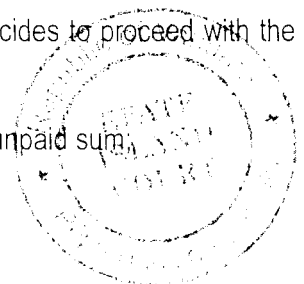
Both parties were summoned and served directly. This matter was supported in open court.

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.

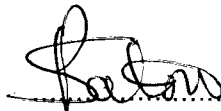
Having read, heard and considered the application of claim made by the claimant for his unpaid sum,

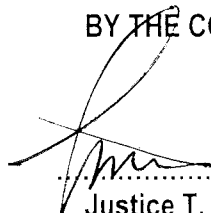


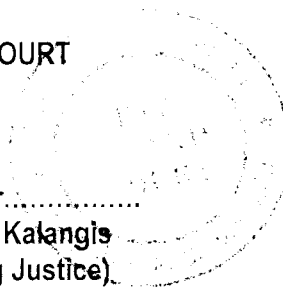
**This Court is satisfied and Hereby makes the following Court Orders:**


1. The Defendant shall pay 20'000 vatu plus 1'000 vatu cost – total up to 21'000 vatu directly to the Efate Island Court no later than 31<sup>st</sup> of January 2022.
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 25<sup>th</sup> November, 2021**

  
.....  
Justice S. Paton  
(Member)

**BY THE COURT**  
  
.....  
Justice T. Kalangis  
(Presiding Justice)



  
.....  
Justice D. Kalsong  
(Member)