

BETWEEN: **Joshua Natoivi**
Of Futuna/Nguna Island
Claimant

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

Date of Hearing: *Thursday 25th November, 2021 at 10:06 am*
Date of Judgement: *Thursday 25th November, 2021 at 10:10 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 – Joshua Natoivi Represented by Freedah Rachel Kalo*
In Absence: *Defendant – Enalyn Apia Willie*

Copy : *Court File*

DEFAULT JUDGEMENT

An application has been filed on 12th November, 2021 at 10:20 Hours by **Joshua Natoivi** 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-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 25'000 goes towards a sale of new mobile phone that cost 20'000vt 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's Representative who is Mrs Freedah Rachel Kalo 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.

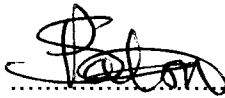
Freedah informed the court that the defendant had paid already 20'000 vatu and the remaining balance of 6'000 vatu yet to pay which is the subject of this court.

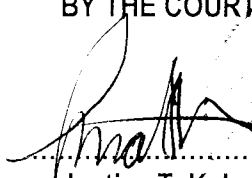
Having read, heard and considered the application of claim made by the Claimant's representative in this matter Veronique Teitoka on behalf of his unpaid sum;

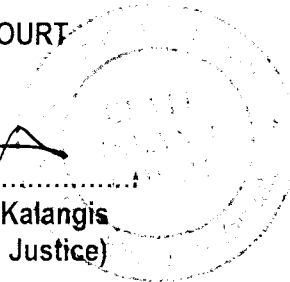
This Court is satisfied and Hereby makes the following Court Orders:

1. The Defendant shall pay 6'000 vatu by end of December 2021 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


Justice S. Paton
(Member)

BY THE COURT

Justice T. Kalangis
(Presiding Justice)




Justice D. Kalsong
(Member)