

BETWEEN: Jacqueline Jimmy
Of Malekula Island, Malampa Province
Claimant

AND: Apia Willie
Of Malekula Island, Malampa Province
Defendant

Date of Hearing: Thursday 28th September, 2023
Date of Judgement: Thursday 28th September, 2023 at 11:30 Hours
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila
Before: Justice F. Thomas (Presiding Justice)
Justice L. Sakita (Member)
Justice J. Kalserei (Member)
Island Court Clerk: A. Alain
In Absence: All Parties

Copy: Court File

ORDERS

[Rule 4] of Island Courts (Civil Procedure) Rules 2005

An application has been filed by **Jacqueline Jimmy** who is the claimant 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 **Apia Willie** the defendant to pay 50'000 vatu considered as a Debt and also the cost of this proceeding.

The claimant was served directly but failed to appear in court at the time and date of hearing when called without justification.

Rule 4 – Non-Attendance at hearing

(1) Non-attendance of claimant

If the claimant does not appear at the time for the hearing of the claim, the court shall, unless it considers that there is some good reason for the claimant's non-attendance:

- (a) strike out the statement of claim,
- (b) make an order for the claimant to pay the expenses of attendance of the defendant and witnesses for the defendant or the claimant,
- (c) determine in the absence of the claimant any counter-claim or set-off filed by the defendant.

UPON Hearing of this case in the absence of both parties; the COURT IS SATISFIED AND HEREBY MADE THE Following Orders:

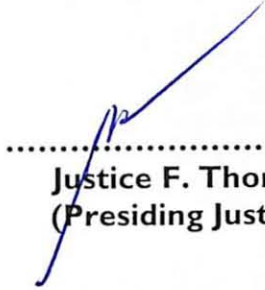
- (1) Case No. 22/2764 is Strike Out
- (2) No Order as to Cost.

DATED at Port Vila, this 28th September, 2023

BY THE COURT



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Justice J. Kalserei
(Member)



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Justice F. Thomas
(Presiding Justice)



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Justice L. Sakita
(Member)