

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil case 830 of 2024

BETWEEN: JEAISON SAKULIANG

Represented by Leiwia Fatal & Douglas Fatal

Claimant

**AND: FREIDSON ESROM, MATTEA ESROM, HOU
ESROM, SANDY ESROM, NUMAN SIAREF**

Defendants

DATE OF HEARING: 25 MARCH 2024

DATE OF DECISION: 19 APRIL 2024

JUSTICES: JUSTICE Joses Lingi, Patison Peter, John Wesley Tawi

CLERK: COLLYNE TETE MAKI

PARTIES: Douglas Fatal spokesman on behalf blong Leiwia and Jeaison Morris

Sandy Esrom spokesman on behalf blong ol defendants



BACKGROUND BLONG CASE

Civil case 829 of 2024 we emi refer I ko long case 01 of 2022 emi wan applikesen we I kam long Island court we Leiwia Morris emi mekem applikesen ia on behalf blong son blong em Jeaison blong claim ol custom properties blong late papa blong em Morris Sakuliang.

Long Civil case 828 of 2024 we emi refer I ko long case 02 of 2022 emi semak claim from ol custom properties mo custom raets blong late papa blong em Morris mo talem se emi blong son blong em Jeaison we late papa blong em Morris emi adoptem em.

Civil case 830 of 2024 we emi refer I ko long civil case 01 of 2024 emi wan case we Jeaison Sakuliang son blong Leiwia emi filem I kam long court blong claim ol properties blong late Morris Sakuliang from we hemi legally adopted son late Morris Sakuliang.

Trifala case ia oli tokbaot ol custom properties we emi blong semak Late olfala Morris Sakuliang so bae court I harem trifala case ia wantaim follem Civil **Procedure rules 49 of 2002 we long section 3.3 heading emi "Joining and separating claims" we long subsection (b) the claims arise out of the same transaction or event; or.** Section ia nao emi gem pawa long court ia blong harem trifala case ia wantaim.

Leiwia Morris emi filem tufala case blong em long yia 2022 and Jeaison emi filem case long yia 2024. Defendant emi jes filem response long 25 March 2024 bifo court I harem case ia.

Claim blong trifala case ia emi statm se Jeaison Sakuliang nao bae emi gat raet long ol properties blong late Morris Sakuliang mo Lerefling.

Douglas Fatal emi spokesman on behalf blong Leiwia Morris we emi woman blong em mo adopted son blong Late Morris Sakuliang we emi Jeaison.

ISSUE BIFO LONG COURT: Whu long olgeta parties nao bae emi gat raet long ol custom properties blong Late MORRIS SAKULIANG?

CLAIM BLONG CLAIMANT

Morris Sakuliang mo olfala woman blong em Lerefling tufala I gat wan gel nomo we emi Leiwia mo no gat any boe. Leiwia Morris emi only surviving daughter we em i maretem man ia nem blong em Douglas Fatal blong Lingarak vilij, Central Malekula. Tufala I gat 6 pikinnini we emi 3 gel mo 3 boe.

Statmen emi talem se ol properties blong late Morris we emi gat emi nasara Vinmari we I stap insaed long kastom boundary blong Gara. Taem gospel emi kam long yia 1950 late Morris Sakulaiang emi muv I kam daon long Hatbol vilij.

Long yia 1952 late Morris emi disaed blong pem tu pis blong graon long ol tribe blong Sachan mo Mindu blong emi sustainem living blong em mo families blong em. Ples we emi buildem haus blong em long em, nem blong em emi Lomelvavi mo ples blong karen mo ples we oli plannem coconas nem blong em emi Vatugas.



Tufala pis graon we Morris emi pem emi pem cash and emi no wan kastom lan we emi mas mekem kastom blong kam liv long graon ia.

Leiwia Morris emi basem claim blong em se even ol properties blong papa blong em from we emi pass away finis bae em nao I gat raet long ol property ia. Emi talem tu se papa blong em I decide blong adoptem son blong em Jeaison blong I lukaotem ol properties blong papa blong em.

Samples araon long yia 1999 family Esrom oli destroyem ol wood long eria blong Vutugas mo oli trespass mo mov ko liv insaed long ol pis graon blong late Morris Sakulaiang we oli no askem long Leiwia we emi daughter blong Morris.

Late Morris mo Leref tufala I mekem wan kastom adopsen mo adoptem son blong gel blong tufala we nem blong em Jeaison. Long taem we Leiwia I gat bel Papa blong em Morris mo mama blong em Leref tufala I lukaotem gud em kasem we emi kasem hospital tufala I lukluk long hospital blong Leiwia mo pem ol klos blong Jeaison mo even tufala I tekem wan woman blong lukaot long Leiwia taem I stap long hospital, we tufala I talem tankio long woman ia wetem wan yam mo wan faol.

I gat wan Legal adopsen tu we Supreme court I grantem I ko long Late Morris Sakulaiang mo woman blong em blong blong letem blong tufala I adoptem Jeaison Sakulaiang olsem boe blong tufala blong owenem ol kastom properties blong Morris Sakulaiang.

RESPONSE BLONG OL DEFENDANTS

Sandy Esrom nao emi toktok on behaf blong every defendants mo talem olgeta I no agri nating long adopsen blong Jeaison we Morris Sakulaiang emi mekem.

Oli response mo tokbaot se oli no agri long adopsen blong Jeaison from we I no stret follem kastom blong olgeta. Long risen se Jeaison emi son blong Leiwia we I maretem Douglas we emi blong wan difren nasara, so emi no gat raet blong tekem ol property blong late Morris from we Morris emi blong wan difren nasara.

Emi statem tu every chiefs blong olgeta oli no aware long adopsen ia mo se adopsen ia emi happen long wanem date. Emi statem tu se ol chiefs ia oli no receivem any pig blong adopsen ceremony ia.

Emi statem tu se Morris Sakulaiang emi no mekem any effort blong stanap bifo long ol chiefs blong Gara mo Longorka blong mekem adopsen blong Jeaison. Hem I pass away long 1999 and adopsen I jes tekem ples long yia 2000.

Jeaison emi no grow ap wetem late Morris Sakulaiang tu blong save gud long ol properties blong em moo I wokbaot blong em bifo emi save adopted.

Oli claim se adopsen I no gat wan chief blong Gara I sign wetem trifala witness ia, mo I no gat wan chief blong Gara I stap bifo long Supreme court blong wisessem adopsen ia.



Oli statem tu se Late Morris mo woman blong em tufala I no aware long adopsen we I happen long Jeaison. Mo tufala I no luk ol kastom pefomens we oli pefomem blong mekem adopsen ia.

LONG OL DISCUSSION BLONG CLAIMANT LONG COURT:

1. Spokesman blong Leiwia mo Jason emi talem long court se ol defendan oli no save challengem adoption blong Jeaison from legally emi adopted finis I ko long Late Morris Sakulaiang we Supreme court nao emi mekem adoption ia
2. Leiwia emi talem tu se ol properties blong Morris emi ol raetful properties blong Jeaison we bae emi take care long em from we Jeaison emi son blong Leiwia we emi daughter blong Morris
3. Leiwia emi talem tu se even though we emi maret out emi still gat raet long ol properties blong papa blong em from we em wan nomo long family blong Morris
4. Emi talem tu se emi no save long ol family Esrom from we oli stap claim se emi sister blong Mattea emi no agri from papa blong em I neva talem long em mo emi gro up long house blong Moris
5. Reason why Morris emi adoptem Jeaison from we bae emi lukaot ol properties blong em
6. Leiwia emi talem tu se emi gat raet long tufala pis graon blong papa blong em from papa blong em I pem and emi property blong Late Morris papa blong em and emi pem long olgeta long Sachan we witness Ben Ambie emi kam confirm long court se Late Morris emi pe graon long papa blong em wetem 2 paon and emi showem 2 paon long court

LONG OL DISCUSSION LONG COURT BLONG DEFENDANT:

1. Spokesman Sandy Esrom on behalf blong ol defendan emi talem long court se Leiwia bae emi no gat raet long ol properties blong Late Morris Sakulaiang from we Leiwia emi stret sista blong papa blong em Mattea Esrom we papa blong tufala emi Esrom
2. Sandy emi talem tu se Leiwia mo Jeaison tufala I no gat raet blong inheritem ol properties blong Morris from we Leiwia emi maret finis ko long wan nara nasara and Jeaison emi blong semak nasara wetem mama blong em
3. Emi talem tu long court se adopsen blong Jeaison emi no stret follem kastom blong olgeta
4. Emi talem tu se late Morris emi ko pem graon olgeta or Mattea emi no Aware long em

Afta long submission blong ol claim mo response mo discussion long court, court I faenem maot se: -

COURT FINDINGS

LONG DEFENDANT: -

1. Sapos Late Morris emi relate wetem ol family Esrom bae emi should adoptem wan pikininini blong Esrom finis blong lukaotem ol properties blong em be emi no mekem any adopsen
2. Late Morris taem we emi mekem payment blong graon family Esrom I no save from emi pem blong mekem living blong em long em be I no wan custom graon we bae I mas performem wan big kastom blong ol man I witessem se emi pem wan graon tru long kastom
3. Late Morris emi neva singaot family Esrom blong talem long olgeta se emi pem graon from olgeta I no family blong em blong emi letem olgeta I save long em



4. Sandy Esrom emi basem claim blong em follem mama blong em Edna we emi stap claim se olfala woman ia Tavumelmel emi bonem Tuvules we emi bonem Edna we emi stret mama blong Sandy
5. Sandy long behaf blong ol defendant emi calim tru long mama blong em we I gat life blad blong late Morris Sakulaing I stap nomo we emi Leiwia
6. Emi claim se Tavumelmel emi sista blong Sakuliang we I bonem Morris we I showem se family Esrom oli claim tru long woman ia nao we emi no stret follem kastom UNLESS I no gat surviving blood be Morris emi gat wan pikinnini we emi Leiwia
7. Family Esrom oli neva filem long wan court bloodline blong claim se Leiwia emi blood blong Esrom and not Morris Sakuliang
8. Taem we Morris emi laef yet, Mattea emi neva dispute wetem Morris blong talem maot se Leiwia emi sista blong em
9. Family Esrom I basem plante long response blong em mo talem se oli no agri long adopsen blong Jeaison be oli neva challenge I ko long Supreme court

LONG CLAIMANT: -

1. Leiwia emi only surviving daughter blong olfala ia Morris Sakuliang
2. I no gat any case I been filed blong challengem or talem se Leiwia emi no pikinnini blong Morris
3. Leiwia emi gat raet blong claim ol properties blong Morris from emi daughter blong Morris
4. From we Leiwia emi daughter blong Morris I mekem Morris emi mekem adopsen long apu blong em Jeaison son blong Leiwia blong I lukaot ol property blong em
5. Jeaison emi gat wan legal adopsen we Supreme court nao emi grantem
6. Leiwia emi claim nomo ol property we papa blong em I pem long cash we I no wan custom boundary we should gat fulap parties blong oli dispute from long court
7. Tufala pis graon ia Lomelvavi mo Vatugas Morris emi pem cash ko long olgeta blong Sachan mo Mindu we sapos I no gat adopsen long Jeaison bae directly bae tufala graon ia I ko long authority blong Leiwia
8. Witness Benambie Abbie tu emi kam mo confem long court se Morris emi pem graon long papa blong em we emi stap mo save gud long em. Emi showem long court tu 2 paon emi amount we late Morris emi pem tufala graon ia long em



AFTER WE COURT I MEKEM OL FINDINGS IA COURT I MEKEM OL ODA IA:-

ORDER

1. Jeaison Sakuliang emi gat full raet long ol properties blong late Morris Sakuliang
2. Every custom properties blong late Morris Sakuliang emi blong Jeaison Sakuliang adopted son blong em
3. Jeaison Sakuliang emi gat raet blong mekem any decision long ol properties blong late Morris Sakuliang olsem Land, Coconas mo Cocoa.
4. Family Esrom I mas stop blong usem ol property blong late Morris Sakuliang olsem cocoa mo coconut
5. Sapos Family Esrom oli no respectem oda 1 kasem oda 4 bae Jeaison Sakuliang emi gat raet blong filem Enforcement I ko long wan Magistrate blong harem case ia.
6. Tugeta parties I gat 30 days blong apil agensem decision ia sapos oli no happy long decision.



Dated at Lakatoro this 19th day of April 2024

BY THE COURT



Justice Patisson PETER



Justice Johnwesly TAWI



Justice Joses LINGI

