

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

Civil case 879 of 2024
REF CASE # 04 OF 2022

BETWEEN: VINA MASSIAL
UNUA 1 VILLAGE, SOUTHEAST MALEKULA
Claimant

AND: SAM SAMMY
LENSY SAMMY
TOMSARRY JOHNNEY
UNUA 1 VILLAGE, SOUTHEAST MALEKULA
Defendant

DATE OF HEARING: 29 April 2024

DATE OF JUDGMENT: 27 June 2025

BEFORE JUSTICES: Douglas FADAL (Chairperson), John Wesly TAWI, Manle SIMEON

CLERK: Collyne Tete Maki

IN ATTENDANCE: Claimant - Present
Defendants – Present



JUDGMENT

1. INTRODUCTION

Civil kes ia emi filed long 22 November 2022 we kleima emi kleim damage agensem olgeta defendans. Evri parties oli present bifo long kot ia afta we kot I summonem olgeta

2. ISSUE BIFO LONG KOT IA

- 1) I tru se ol defendan oli damagem property blong kleima?
- 2) Wanem nao risen blong damagem ol property blong kleima?

3. WANEM NAO LOA I TALEM

- a) Island court civil procedure rules - Rule 1 – givim pawa long kleiman blong emi filem wan kes

4. BACKRAON LONG KES

Kleimen emi filem kleim mo kleim se ol defendan oli mekem damage long karen blong em long Friday 2 September 2022 mo 16 September 2022. Ol defendan ia oli damagem ol wood we emi plannem yam mo lego ol wood ia I stap blong yam I crawl long em. Kleimen emi bin sendem jif Welsin Charlie blong emi ko toktok long ol defendan mo oli bin talem long jif se bae oli talem sorry long kleimen from ol damage we oli mekem be oli neva mekem kasem we emi kam filem kes long kot.

Defendan oli respon mo talem long kot se yes oli cuttem ol wood from nomo lan long ples ia emi stap long dispute and aunty blong olgeta emi kam mekem wan niu karen we emi no should mekem from lan I stap long dispute yet. Oli bin approachem aunty blong olgeta tu taem blong no plant long eria be emi ko hed blong plan and emi jes plan nomo we emi wan niu karen emi no wan olfala karen.

4. COURT FINDINGS

1. Kot I faenem maot se yes ol defendan oli talem long kot se oli cuttem ol wud long karen blong kleimen we emi planem yam klosap long ol wud ia
2. Kot I faenem maot se kleimen em mekem wan niu karen we long lan we I still stap long dispute no gat wan kastom ona yet

5. COURT ODA

1. Ol defendan bae oli pem wan faen blong 5,000VT I ko long kleimen bifo 30 July 2025
2. Any parties emi no agri long kot decision ia emi gat 30 dei blong emi apil I ko long Magistrate kot.



DATED AT LAKATORO THE 27 JUNE 2025



JUSTICE WESLEY TAWI



JUSTICES MANLE SIMEON



JUSTICE DOUGLAS FATDAL

