

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
HELD AT PORT VILA  
(Civil Jurisdiction)

Civil Case No. 12 of 1999

BETWEEN : CLERA PETERS

(Plaintiff)

AND : The ANZ BANK

(Defendant)

RULING ON APPLICATION TO SET ASIDE STRIKE OUT ORDER

The chronology is as follows,

September 1995-	Cause of action arose
16 November 1998 -	Writ filed
3 <sup>rd</sup> December 1998-	Defence filed
28 January 1999-	Transferred to Supreme Court from Magistrate's Court.
12 February 2001-	Letter from plaintiff's Lawyers seeking reinstatement.
16 February 2001 -	Registrar advises procedure for application to reinstate.
17 <sup>th</sup> April 2002-	Application to reinstate filed.

The defendants oppose reinstatement of this matter. They say it is very old and an important witness is no longer in the country.

The plaintiff says there is a good claim. Records should be available. The overwork of the Public Solicitor's office has contributed to the problem.

I will not reinstate this matter. The incidents are old, over six and a half years. There will be witness problems of availability and recollection. It was over two year between strike out and application to restore.

Dated at Port Vila this 29<sup>th</sup> day of May 2002.

