

BETWEEN: SAM SOLOMON

Claimant

AND: WILCO HARDWARE

Defendant

Coram: Judge Macdonald

Claimant: Mr. A. Bal (No appearance)


Defendant: Mrs. E. Roberts

Hearing: 24th September 2010

JUDGMENT

1. The claimant filed a Supreme Court Claim on 16 October 2009. This was followed by a request for default judgment when the defendant, after being served, failed to file a response within 14 days and a defence within 28 days. This request was filed on 23 March 2010 by counsel for the claimant, Mr Laumae.
2. The defendant filed a defence on 11 August 2010.
3. At a conference held the day before there was no appearance on behalf of the claimant and Ms Roberts, for the defendant, advised that she had understood that the claim was to be discontinued.
4. At a further conference on 10 September there was still no appearance on behalf of the claimant. Notice was therefore given, in accordance with Rule 9.10(3)(a) of the Civil Procedure Rules No 49 of 2002, that the claimant was to appear on 24 September 2010 to show cause why the proceeding should not be struck out.
5. The claimant failed to appear on that date and so the proceeding is now struck out.
6. The defendant is entitled to costs, which I fix at VT 20,000.

**Dated at Port Vila, this 27th day of September, 2010
BY THE COURT**


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**J. Macdonald
Judge**

