

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil Case No. 79 of 2014

BETWEEN: KALRENGO KALMANIE
Claimant

AND: BELLEVUE ESTATE LIMITED
First Defendant

**AND: OBED JOSEPH, JOHNSON KALSARU,
HENRY ARSEN, ABIUT JOSEPH & LERIK
MICHEL**
Second Defendants

AND: REPUBLIC OF VANUATU
Third Defendant

Coram: Mr. Justice Oliver A. Saksak

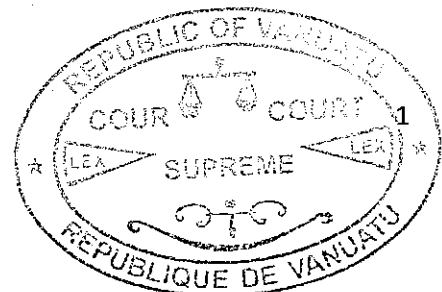
***Counsel: Saling N. Stephens for Claimant
John Malcolm for First Defendant
Stephen T. Joel for Second Defendants
Hardison Tabi for Third Defendant***

Date: 23rd June 2015

ORDER

WHEREAS –

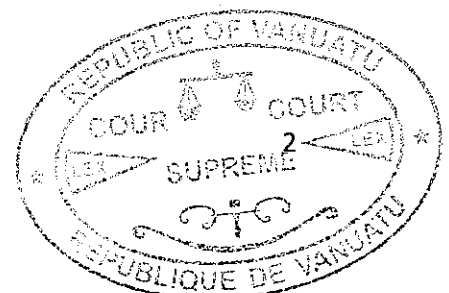
1. The Court issued directions on 11th July 2014 requiring the Claimant to effect service of his claim on the Defendants;
2. Mr Nakou of counsel conceded on 18th August 2014 that the Claimant had not complied with the directions of 11th July 2014 and sought further extensions and agreeing to pay wasted costs;
3. The Court extended the orders further on 26th September 2014 to 18th November 2014;



4. On 18th November 2014, the Court issued further orders to 4th February 2015, with extensions;
5. On 4th February 2015, only Mr Joel was present and the Court adjourned to matter to 2nd March 2015 with extensions;
6. On 2nd March 2015, the Court adjourned the matter to 1st April 2015 with extensions;
7. On 1st April 2015, the Court adjourned the matter further to 11th May 2015 with extensions;
8. On 11th May 2015, the Court adjourned with extensions to 23rd June 2015.
9. Today the Claimant has simply not complied with all previous orders as extended and has not paid wasted costs as directed;
10. And upon hearing Mr Malcolm making submissions that the proceeding be struck out with costs to the Defendants.
11. And upon hearing Mr Joel and Mr Tabi who concur;
12. And upon the Court being satisfied that the Claimant has not taken any active step in ensuring the proceeding continues, and further that the Claimant has failed to comply with all previous direction orders issued,

NOW THEREFORE IT IS ORDERED THAT –


1. Pursuant to Rules 9.10(1) and (2) of the Civil Procedure Rules No. 49 of 2002, this proceeding is struck out in its entirety.



2. The Claimant shall pay costs on the standard basis to the First, Second and Third Defendants as agreed or taxed by the Court.

DATED at Port Vila this 23rd day of June 2015.

BY THE COURT


OLIVER A. SAKSAK

Judge

