

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

Civil
Case No. 20/2592 SC/CIVL

BETWEEN: Bruno Cevouard, Bartherlemy Cevouard and Sei Yerket

Applicants

AND: Family Fabiano Warsal, Family Petro Rite and Family Gratien Alguet

First Respondents

AND: Santo Island Land Tribunal

Second Respondent

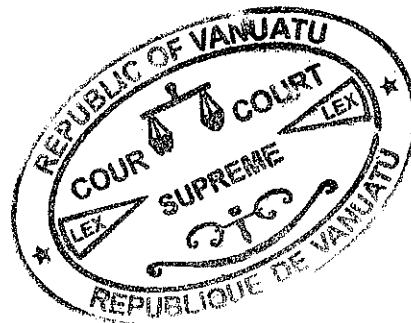
Date of CONFERENCE: 4th day of February, 2021 at 10:00 AM
Date of Decision: 12th April 2021
Before: Justice Oliver Saksak
In Attendance: Mr Sakiusa Kalsakau for the Applicants
Mr John Taiva for First Respondents
No appearance for Second Respondents

DECISION

1. By an application filed on 23rd September 2020 the applicants seek leave of the Court in order that they could challenge the decision of the Santo Land Tribunal dated 27th June 2006 by way of an appeal.
2. The application is hereby dismissed.

Reasons


3. The applicants alleged breach of natural justice. They alleged that on 27th June 2011 when the Second Respondent met and made a declaration in favour of the First Respondents, they were not present. As such they submitted the decision was made fraudulently.



4. However the evidence against the applicants is overwhelming. First the evidence of Petro Rite and Cyrillo Palaud by sworn statements dated 16th December 2020 complement each other. Their evidence confirm the applicants were present at the meeting held on 27th June 2011 but chose to walk away despite Petro Rite's attempts to persuade them to stay and sort out the dispute once and for all.
5. That evidence shows natural justice was afforded to the applicants but they refused to accept it. It is now not now open for them to come to Court at this time, albeit very late. They have come to the Court with unclean hands.
6. Having done so, the applicants will pay the First Respondents costs of the application as agreed or taxed by the Master.

DATED at Port Vila this 12th day of April, 2021.

BY THE COURT

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Oliver Saksak
Judge

