

**BETWEEN: Clement Nulak**  
Claimant

**AND: Lui Nego & Isaach Nego**  
Defendants

*Date of Hearing:* 21 October 2022  
*Before:* Justice V.M. Trief  
*Counsel:* Claimant – Mr L. Moli  
Defendants – no appearance (in person)  
*Date of Decision:* 5 December 2022

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**JUDGMENT**

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A. Introduction

1. The Claimant Clement Nulak seeks an order for the eviction of the Defendants from leasehold title no. 14/2213/168 located at Imafen village on Tanna island.
2. The matter came before me by way of hearing for formal proof of the Claim as no Defence has been filed despite the service of the Claim and the Court's Orders giving them time to do so and giving notice of the date of the hearing.


B. Discussion

3. Mr Nulak produced in evidence a copy of the Transfer of Lease and of the Lands Registry Advice of Registration of a Dealing recording that on 17 November 2015, the Director of Lands registered the Transfer of Lease title no. 14/2213/168 from Jack Natmaning Natuman and Clement Noulack to him (the Claimant).
4. Also produced into evidence was the Public Solicitor's letter dated 11 March 2021 giving the Defendants Lui Nego and Isaach Nego notice to vacate the land.
5. Mr Nulak deposed in his Sworn statement filed on 14 May 2021 that he intends to start a tourism project on the leased land but that has not happened as the Defendants refuse to vacate the land.
6. There is clear evidence of the Claimant's legal entitlement to the land. He is the registered proprietor of lease title no. 14/2213/168.



7. The Defendants occupy the land, and despite being given notice to quit, have not vacated the property.
  8. The Claimant has proved his Claim and is entitled to the relief sought.
- C. Result and Decision
9. Judgment is entered for the Claimant.
  10. The Claimant is entitled to his costs fixed summarily at VT20,000 to be paid within 28 days of service of this Judgment on the Defendants.
  11. The Claimant is to serve this Judgment on each Defendant and file proof of service **by 4pm on 6 January 2023.**
  12. The Defendants are to vacate lease title no. 14/2213/168 **within 2 months from the date of service of this Judgment.** If this Order is not complied with, the Claimant is to file and serve Application for Enforcement Warrant.

**DATED at Port Vila this 5<sup>th</sup> day of December 2022  
BY THE COURT**

  
Justice Viran Molisa Trief

