

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

Civil Case
No. 22/2118 SC/CIVL

BETWEEN: Jimmy Worwor Bongsupu
Claimant

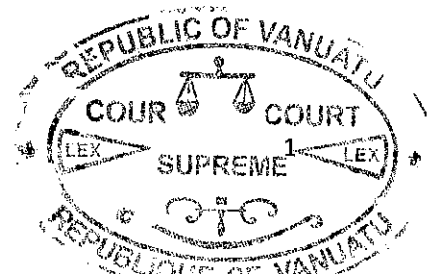
AND: Estate of Peter Manwo
First Interested Party

AND: Isaac Worworkon & Family
Second Interested Party

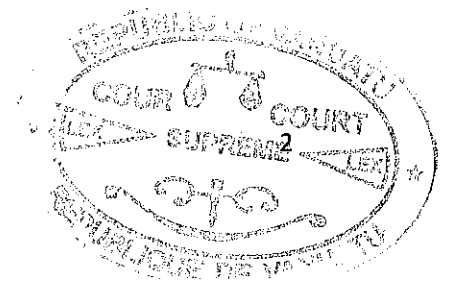
Date: 17 April 2023
Before: Justice V.M. Trief
Counsel: Claimant – Mr C. Leo
Interested Parties – in person

DECISION STRIKING OUT CLAIM

1. The Claimant Jimmy Worwor Bongsupu filed the Claim on 8 December 2022 seeking the following orders:
 - 1) *The Applicant [sic] be given an opportunity to lodge his Claim in the Ambrym Island Court.*
 - 2) *Such further Orders as this Court may deem just.*
 - 3) *Costs reserved.*
2. The following is alleged in the Claim:
 - a) That on 4 November 1996, the Ranon Island Court convened a hearing to determine the custom ownership of custom land from Tolaiwelvanto Creek to Liptaviu Creek;
 - b) That the Ranon Island Court did not name the custom land nor did it walk round the boundary to identify the name of the custom land;
 - c) That the Ranon Island Court declared that the Interested Parties Peter Mansop (since deceased) and Isaac Worwokon and Families were the custom owners of the custom land;



- d) On 3 December 1996, the late Peter Mansop appealed the Ranon Island Court decision;
 - e) In Supreme Court judgment dated 19 August 2021, Justice Aru dismissed the appeal;
 - f) Mr Bongsupu was instructed to wait until the appeal was determined before challenging the decision of the Ranon Island Court or applying to be a party and did not know the appeal decision until April 2022;
 - g) The Interested Parties intended to and did chase Mr Bongsupu away to Port Vila prior to the Ranon Island Court hearing on 4 November 1996 to prevent him from attending that hearing;
 - h) Mr Bongsupu believes the Ranon Island Court has made a fundamental error by failing to identify the name of the custom land before it made its custom ownership declaration and because there are different plots of custom land in that area therefore it is important that the exact name of the custom land is identified; and
 - i) That the representative of the Interested Party the Estate of Peter Mansop has consented to the matter being remitted to the Island Court for redetermination.
3. From what is alleged in the Claim, the Ranon Island Court decision has been appealed and the appeal was dismissed.
 4. Accordingly, it is not clear to me what cause of action is disclosed in the Claim or what basis there is for this Court in the present proceeding to override a decision of the Supreme Court as to the appeal. It is also not clear to me what basis there is for this Court in the present proceeding to correct an alleged fundamental error by the Island Court. Finally, any person may lodge his or her Claim in an Island Court. Why is an order to that effect being sought by Mr Bongsupu in the Claim and if so, on what basis?
 5. By Minute and Orders dated 24 February 2023, I set out the queries in the preceding paragraph and directed that Mr Leo, Claimant's counsel, file and serve submissions in response to those queries to assist the Court. I put the Claimant on notice that if no cause of action was disclosed in the Claim, that the Claim would be struck out. I listed the matter for hearing on 23 March 2023.
 6. On 23 March 2023, no submissions had been filed and Mr Leo sought more time to file submissions due to the recent cyclone-related disruptions. I directed that he on Mr Bongsupu's behalf file and serve submissions by 4pm on 13 April 2023.
 7. No submissions have been filed.
 8. In the circumstances, the Claim is **struck out** for failing to disclose a cause of action.



9. If Mr Bongsupu was wrongly advised that he had to wait until the appeal was decided before taking steps to challenge the Ranon Island Court decision, he may well have a claim against the person who gave him that advice.

**DATED at Luganville this 17th day of April 2023
BY THE COURT**

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Justice Viran Molisa Trief

