

BETWEEN: Lovite Simaima Kalsong
Claimant

AND: Mark Tarinu, Leipako Tarinu, Telwin
Olive, Lena Olive, Michel Toara, Lewi
Toara, Mark Paul, Marie Paul, Moses
Naliu, Reijim Naliu, Peter Tom Naliu,
Iasimut Naliu
Defendants

Date: 2 August 2024
Before: Justice V.M. Trief
Counsel: Claimant – Mr D.K. Yawha
Defendants – Mr R. Tevi

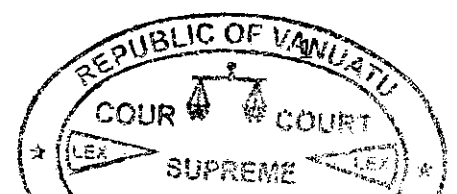
JUDGMENT

A. Introduction

1. The Claimant Mrs Lovite Simaima Kalsong seeks an order for the eviction of the Defendants Mark Tarinu, Leipako Tarinu, Telwin Olive, Lena Olive, Michel Toara, Lewi Toara, Mark Paul, Marie Paul, Moses Naliu, Reijim Naliu, Peter Tom Naliu and Iasimut Naliu from leasehold title no. 12/0644/001 located on Efate island (the 'lease').
2. By Decision dated 16 July 2024, the Defendants' Defence and Counter Claim were struck out. Accordingly, this matter proceeded by way of hearing for formal proof of the Claim.
3. This is the decision.

B. Consideration

4. Mrs Kalsong produced in evidence copies of the relevant leaf of the Land Leases Register and of the Advice of Registration of a Dealing Affecting Registered Land



showing that the transmission of the lease to her as the administrator of her husband James Kalsong's estate was registered on 29 June 2022 [Further Sworn statement of Lovite Simaima Kalsong filed on 29 July 2024, **Attachments "LSK6" and "LSK7"**].

5. Also produced into evidence were copies of her eviction notices directed to each of the Defendants [Further Sworn statement of Lovite Simaima Kalsong filed on 29 July 2024, **Attachment "LSK8"**].
6. There is clear evidence of the Claimant's legal entitlement to the land. She is the registered proprietor of leasehold title no. 12/0644/001.
7. The Defendants occupy the land, and despite being given eviction notices, have not vacated the property.
8. The Claimant has proved the Claim and is entitled to the relief sought.

C. Result and Decision

9. Judgment is entered for the Claimant and it is ordered as follows:

- a) The Defendants, their families and/or agents are to vacate leasehold title no. 12/0644/001, including removing their fencing, houses, personal properties and garden crops leaving the land vacant, **within 3 months from the date of service of this Judgment**;
- b) The Defendants, their families and/or agents are not to enter onto the Claimant's leased land leasehold title no. 12/0644/001;
- c) The Claimant is entitled to the costs of the proceeding fixed summarily at VT100,000 to be paid within 28 days of service of this Judgment on the Defendants.

D. Enforcement

10. Pursuant to rule 14.37(3) of the *Civil Procedure Rules* ('CPR'), I now schedule an Enforcement Conference **at 1pm on 31 October 2024** to ensure the judgment has been executed or for the Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment and a summons in Form 27 of the CPR must be personally served on each Defendant, and proof of service filed.

**DATED at Port Vila this 2nd day of August 2024
BY THE COURT**


Justice Viran Molisa Trief

