

**IN THE COURT OF APPEAL OF  
THE REPUBLIC OF VANUATU**  
*(Civil Appellate Jurisdiction)*

Civil Appeal Case No. 18 of 2008

**BETWEEN:** CHARLES KALO  
First Appellant

**AND:** VANUATU TEACHERS UNION  
Second Appellant

**AND:** KALO OBED  
Respondent

**Coram:** *Hon. Chief Justice Vincent Lunabek  
Hon. Justice John W. von Doussa  
Hon. Justice Ronald Young  
Hon. Justice Oliver A. Saksak*

**Counsel:** *Mr. John Malcolm for the Charles Kalo  
No appearance of the VTU  
Mr. Robert Sugden for the Respondent*

**Date of Hearing:** 26 November, 4 December 2008

**Date of Decision:** 5 December 2008

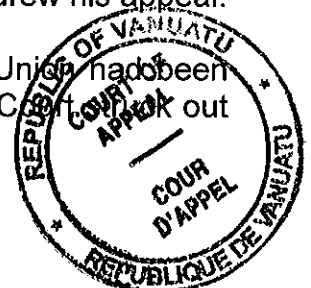
## **MEMORANDUM**

A notice of appeal on behalf of Charles Kalo and Vanuatu Teachers Union was filed by Kiel Loughman on 22 July 2008. However when the list of appeal cases was called over on 24 November 2008 Mr. Loughman did not appear nor had an appeal book being filed. The Court listed the matter for hearing at 9.00 a.m. on 26 November 2008.

On 26 November 2008 there was no appearance of Mr. Loughman or either of the Appellants. The Court directed that notice be given to the Appellants, and adjourned the matter for hearing on 4 December 2008.

When the matter was called on 4 December 2008 Mr. Malcolm appeared for the Appellant Charles Kalo and informed the Court that Mr. Kalo withdrew his appeal.

The Court was provided with proof that the Vanuatu Teachers Union had been fully informed of the proposed hearing. As it did not appear, the Court struck out the appeal for want of prosecution.



An application for costs was made on behalf of the Respondent. The Court was informed that the Vanuatu Teachers Union had made an application before Justice Dawson to stay the judgment pending the appeal, and the costs of that application had been reserved to the Court of Appeal. As that application was not made on behalf of Charles Kalo, an order for costs should not be made against him in respect of the stay application. After hearing counsel, this Court ordered that Vanuatu Teachers Union pay to the Respondent Kalo Obed the sum of VT30,000 in respect of the stay application.

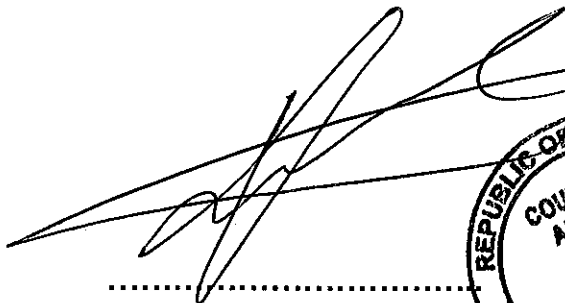
The Court further ordered that Charles Kalo and Vanuatu Teachers Union pay the Respondent Kalo Obed the sum of VT15,000 as costs of the appeal.

The formal orders of this Court are as follows:-

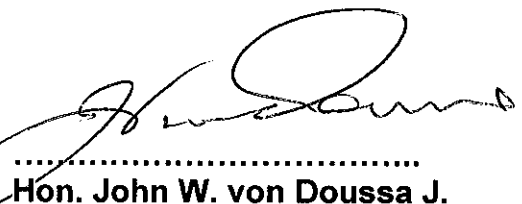
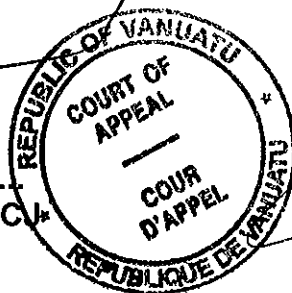
1. Notice of appeal by Charles Kalo withdrawn on his application;
2. Appeal by Vanuatu Teachers Union is struck out for want of prosecution;
3. Vanuatu Teachers Union to pay to Kalo Obed the sum of VT30,000 in respect of the application to stay the judgment of the Court below;
4. Charles Kalo and Vanuatu Teachers Union to pay to Kalo Obed the sum of VT15,000 as costs of this appeal.

**DATED at Port Vila, this 5<sup>th</sup> day of December, 2008.**

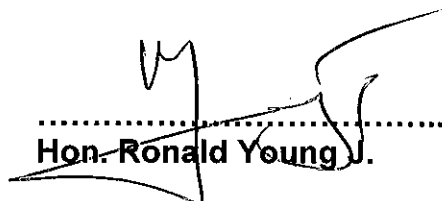
BY THE COURT



.....  
Hon. Vincent Lunabek C.J.



.....  
Hon. John W. von Doussa J.



.....  
Hon. Ronald Young J.



.....  
Hon. Oliver A. Saksak J.