

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

Civil Appeal Case No. 01 of 2014

BETWEEN: ALJAN (VANUATU) LIMITED
First Appellant

AND: JOSEPH SAVA, ROY MOLIVALELE, JOSEPH WARI, BEN
MATA
Second Appellants

AND: JOSEPH TARI MOLBARAV, SAMSON LIVO and LOWETT
MORRIS
Third Appellants

AND: PETER COLMAR as Trustee of VALELE TRUST
First Respondent

AND: SAMSON LIVO
Second Respondent

AND: JAMES RAD
Third Respondent

AND: THE REPUBLIC OF VANUATU
Fourth Respondent

Coram: Hon. Chief Justice Vincent Lunabek
Hon. Justice John von Doussa
Hon. Justice Raynor Asher
Hon. Justice Daniel Fatiaki
Hon. Justice Stephen Harrop
Hon. Justice Dudley Aru
Hon. Justice David Chetwynd

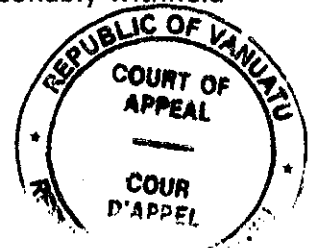
Counsel: First Appellant – no appearance
Second Appellant – no appearance
Third Appellant – no appearance
Mr. Nigel Morrison for the First Respondent
Second Respondent – no appearance
Third Respondent – no appearance
Fourth Respondent – no appearance

Date of Hearing: 18 November 2015

Date of Judgment: 20 November 2015

MEMORANDUM

1. This matter was recalled before the Court of Appeal at the request of the First Respondent, Peter Colmar, as trustee of the Valele Trust. On 4 April 2014 the Court of Appeal upheld a decision of the Supreme Court to the effect that the eight custom owners of the land the subject of the lease 04/2624/003 had unreasonably withheld



their consent to the transfer of that lease to the First Respondent. The decision of the Supreme Court under appeal, and the decision of the Court of Appeal, required each of the custom owners who had not granted their consent to do so. Since the delivery of the judgment the lawyers for the First Respondent have endeavoured to obtain a consent from each of the custom owners, and have done so save from Roy Molivalele and Lowelt Morris being persons named within the Second Appellant and Third Appellant groups respectively.

2. By letter dated 9th November 2015, served on both Mr. Molivalele and Mr. Morris, they were notified that the matter would be relisted before the Court of Appeal on 18 November 2015 and they were invited either to appoint a lawyer to attend or to complete the necessary form of consent. The Court has been informed that the consents have not been completed, nor was either man represented when the case was called. Accordingly, the following order was made on 18th November 2015. Subject to counsel for the First Respondent, Peter Colmar as trustee for the Valele Trust, filing affidavits proving service of the letter from Ridgway Blake dated 9th November 2015 on each of Roy Molivalele and Lowelt Morris the court orders that the Registrar of the Supreme Court execute on behalf of the said Roy Molivalele and Lowelt Morris consents to the transfer of lease 04/2624/003 to the First Respondent.

DATED at Port Vila, this 20th day of November, 2015.

BY THE COURT


Hon. Vincent LUNABEK
Chief Justice

