

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

Civil Appeal
Case No. 18/2371 CoA/CIVA

BETWEEN: AIR VANUATU (OPERATIONS) LIMITED
Appellant

AND: ISLENO LEASING COMPANY LIMITED
Respondent

Coram: *Hon. Chief Justice Vincent Lunabek*
Hon. Justice John von Doussa
Hon. Justice Ronald Young
Hon. Justice Oliver A. Saksak
Hon. Justice Daniel Fatiaki
Hon. Justice Dudley Aru

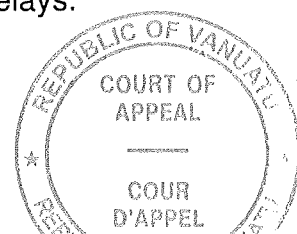
Counsel: *G. M. Blake for the Appellant*
R. E. Sugden for the Respondent

Date of Hearing: *29th April 2019*

Date of Judgment: *29th April 2019*

JUDGMENT

1. The appeal in this matter is against a judgment of the Supreme Court which awarded the respondent substantial damages against the appellant. The appeal was argued on 8th November 2018 and set for judgment on 16th November 2018. However on that day after discussion with counsel the Court adjourned delivery of judgment until today.
2. Upon the matter being called today counsel for the appellant applied to have the delivery of judgment further adjourned. The application was made on the ground that criminal charges have recently being laid against the respondent, three of the witnesses who have given evidence in the Supreme court proceedings, and against a former employee of the appellant alleging offences of deception relating to the events of the subject of the Supreme Court claim. The application for the adjournment was opposed by the respondent which argues that as the parties have been in litigation since 2009 there should be no further delays.

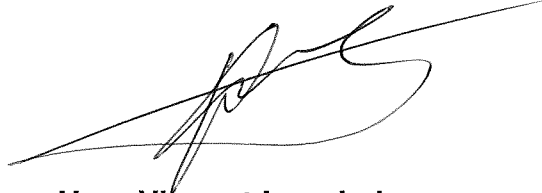


3. In light of the criminal charges now laid, the Court has ordered:

- (1) That the delivery of the judgment on this appeal be deferred until the present criminal proceedings, including any amendment to the charges laid, have been finally determined;
- (2) In the meantime enforcement of the Supreme Court judgment is stayed;
- (3) Liberty is reserved to either party to apply to this Court to lift or vary this order.

DATED at Port Vila, this 10th day of May, 2019.

BY THE COURT



Hon. Vincent Lunabek
Chief Justice.

