

**IN THE MALEKULA ISLAND COURT
HELD AT LAKATORO/ MALEKULA**

(Civil Jurisdiction)

Civil Case # 17/08
Judge # 16/08

**BETWEEN: ELISA MASU
(Complainant)**

**AND: BILLY TAN
(Defendant)**

MATTER: APPLICATION FOR CHILD MAINTENNANCE

**Coram: Justice Endy Shem
Justice Douglas Fatdal
Justice Maxwell Arhampath**

Clerk: Wendy W. Raptigh

JUDGMENT

Brief background:

Case between Elisa Masu blong Atchin, mo Billy Tan blong Atchin. Complainant, Elisa hemi bin apply long Court mo stap askem wan Order blong Billy Tan (Defendant) bae imas pem child mentence blong pikinini ia Enis Billy Tan. Enis hemi wan girl we ibon long 19th February, 2008.

Long 23rd October, 2008 case ibin pass long Court mo Defendant hemi bin talem se Enis ino pikinini blong hem. Court hemi then adjournem matter ia igo long 30th October, 2008 long 8.30am long morning blong trial.

Issue:

Court bae hemi traem blong finemaot se Enis hemi tru pikinini blong Billy or no gat?

Brief fact:

Complainant long case, Elisa Masu hemi stap talem se hemi bin gat sex wetem Billy Tan sam taem long manis May, 2007. Tufala ibin havem sex tri taem insaed long manis ia. Tufala ineva gat eni plan blong maret or even blong stap tugeta. Taem baby ibon mama blong Defendant ibin kam lukim baby mo hemi bin admittim se yes itru se baby ia hemi blong Billy. Witness blong Elisa -- John Melterossi hemi confirmem se hem nao hemi messenger blong tufala ia, Elisa wetem Billy. Sam taem long beginning blong manis May long wan Friday hemi mekem rod blong tufala, tufala imit mo havem sex. Long next wik bakeken nomo long wan Thursday hemi mekem rod blong tufala bakeken mo tufala ihavem sex bakeken. Long manis June hemi harem se Elisa igat bel mo talemaot long Billy.

Defendant hemi bin talem se yes itru tufala ibin havem sex be ol nara man tu oli stap havem sex wetem plaintiff. Secondly, Elisa hemi bin gat wan pikinini finis fes taem wetem wan nara man be why nao hemi no claim mentenence long fes pikinini afta be hemi stap kleim from hernia we ijies stap bon ia. Billy hemi providem tu witness blong hem – Seth Ulnaim mo Dicky Vanu. Tufala witness ikam witisim sem samting nomo blong talem se witness blong Elisa – John Melterossi hem tu istap havem sex wetem Elisa. Oli luk mo witisim se John ibin go out wetem Elisa sam taem long manis September last year hernia long wan Thursday. Afta John igo out wetem Elisa, hemi bin go long Nakamal mo talemaot long tufala mo hemi bin pem kava blong tufala.

Findings:

Court ifinem se long manis May, 2008 ia bae hemi inline wetem manis we Elisa igive birth long hem. Whether, John ibin go out wetem Elisa or no gat be tugeta witness blong Defedant tufala ino agri long same manis, Seth ise September last year mo John ise September, 2007, we sapos baby iblong John bae hemi no save bon long manis February, 2008. Timing blong wan mama we igat bel go kasem taem we bae hemi bonem hemi no matchem ol dates we tufala witness italem se sex ibin tekem ples.

Defendant iagri se yes hemi bin havem Sex wetem Elisa.

Complaint blong hem se ol nara man tu oli stap havem sex wetem Elisa, hemi providem wan other person nomo we hemi John be ol dates/year blong tufala ino match, so likely se ol witnesses oli jes mekem up storian ia nomo blong kam talem long Court. Court inotem tu se tufala witness blong defendant tufala ino stap supportem case blong defendant blong talem se pikinni ino blong Billy.

Decision:

Wetem ol toktok ia antap olsem ol findings blong Court, Court istap order se:

Application blong Plaintiff hemi granted.

Defendant hemi ordered blong:

- 1. pem VT4,000 olsem child mentenence**
- 2. pem cost bong karem case ia ikam long Court we hemi VT1,000**
- 3. payment lstat long 30th November, 2008 wetem wan amount blong VT5,000.**
- 4. pem VT4,000 lomh ol nara end blong manis kasem taem bae pikinini ikasem 18 years blong hem.**
- 5. Defendant igat 30 deis blong mekem appeal blong hem sipos hemi no glad long decision.**

Dated long Lakatoro long 30th October, 2008

Endy Shem
Jastis Endy Shem

~~Maxwell~~
Jastis Maxwell Arhampath

Fatdal
Jastis Douglas Fatdal

