

IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU

Civil case 01 of 2015

BETWEEN: JANIQUE MELTEKANE

Of Wala vilij, Unmet N/E Malekula

AND: SOUSINE KILETEIR

Of Wala vilij, Unmet N/E Malekula

Coram: Justice Douglas Fadal
Justice Johnsen Frazer
Justice John Wesly Tawi

Clerk: Collyne Maki

Court Venue: Lakatoro, Court House

Date of Judgment: Thursday 25 February 2016

Claimant: Present

Defendant: Present

JUDGMENT

An application was filed by the claimant claiming against the defendant deformation as to swearing at him that causes a bad image to his reputation. His application was filed on the 18th of February 2015 within the Island Court. He claims an amount of VT 49,000 because the defendant had been spreading around the village that he is a man who has the knowledge of calling women in custom ways, he is a man who pay women for sexual activities etc..... During the village court the defendant confirmed saying such words and was issued a fine in which she has failed in paying. This causes the claimant that he had spoilt his reputation within their community and claimed such amount. The witness to the claimant confirmed in court that he was the chairperson during the village court meeting and the defendant was fined of the words he had given to the claimant.



The defendant responds and admits claim made against her. As mentioned in court that she did not pay her fine to the village court council because the defendant approached her since he is her brother in law and told her that she should not pay the fine if her sister will follow him. And even her sister told her not to pay the fine because she is following the defendant back to their house. Her witness Jean Terrio confirmed in court that he heard the claimant told the defendant not to pay the fine.

FINDINGS

The issue before the court is to find out why the defendant had sworn to the claimant and spoilt his reputation within the community.

- The court determines that there has already a village court proceeding in the issue on the 14th of November 2014
- The defendant had signed an agreement with the village council to make install payments but failed to make the payments

UPON THE FINDINGS THE COURT DECLARES THE FOLLOWING ORDERS:


ORDERS

1. The defendant to pay a fine of VT 11.000 to the claimant VT 1.000 is for the court fee and VT 10.000 is fine made
2. The fine to be paid by 30.03.16 to the Island Court office by 4:30pm
3. If fines are not made both parties have the right to file and Enforcement case.
4. If either parties do not agree with the Judgment within 30 days upon receiving Judgment have the right to appeal to the Magistrate Court has stated in the Island Court Act CAP 167 section 22 Subsection (1) stated "*Any person aggrieved by an order or decision of an Island Court may within 30 days from the date of such order or decision appeal there from to (b) the competent Magistrates court in all other matters*".



Dated at Lakatoro this 24 February 2016

BY THE COURT



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Justice Douglas Fadal



.....
Justice John Wesly Tawi



.....
Justice Johnsen Frazer

