

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Civil
Case No. 16/3369 IC/CIVL

BETWEEN: **HAM KELSIN**
Claimant

AND: **AMOS RAPI**
Defendant

Date of Hearing: **16 April 2018**

Venue: **Lakatoro Court House**

Before: **Justice Douglas Fadal, Justice Joses Lingi, Justice Patisson Peter**

Clerk: **Collyne Tete Maki**

JUDGMENT

The matter registered before the Island was civil claim filed by Mr. Ham Kelsin of Binalum village, Northeast Malekula against the defendant Mr. Amos Rapi originally from Wiaru village, Northwest Malekula. The application was filed on the 03rd day of November 2016. The matter was listed by the court twice firstly on the 22nd day of June 2017 in which the defendant failed to appear before the court and later relisted on the 16th day of April 2018 in which both parties were present for court hearing.

The claim as stated on the claimants claim claimed against the defendant that sometimes in year 2015, there was an agreement between both parties for the defendant to arrange and buy kava to any kava sellers of an amount of VT 39,600 and send it to the claimant to sell it in Port Vila. From then on the defendant travelled back to Malekula and failed to send the kava to the claimant. He further claimed and amount of VT 25,000 for the profit that he lost doing business when the defendant failed to send him kava and as well as for expenses he spend on when dealing with his issue within the village level until filed at Lakatoro..

The defendant responded admits of the claim laid against him and agrees in repaying the claimant the amount given to him.

COURT FINDINGS

1. The defendant admits the claim made against him;



2. Defendant failed to comply with the agreement made by him and the claimant;
3. The claimant failed to provide receipts of expenses to justify before the court;
4. ***Guided by the Island courts Act CAP 167 section 13 Subsection (a) stated " In civil proceedings an island court in addition to any other power it may have may make any or a combination of the following orders (a) an order for the payment of money by way of compensation, costs or otherwise***

Upon the findings the court hereby makes the following orders:

ORDERS

1. The defendant to pay the amount of VT 40,600 of which VT 39,600 is for the money owed and VT 1,000 for the court fee paid by the claimant;
2. The total amount of VT 40,600 to be repaid within 2 months first payment VT 20,300 to be done within the 16th day of April 2018 to the 16th day of May 2018;
3. The second payment in completion of the total amount VT 20,300 to be paid within 16th day of May 2018 to 16th day of June 2018;
4. Within 30 days if the defendant FAILED to comply with the orders 1 to 2 the claimant has the right to file an Enforcement before the island court;
5. In accordance to the Island Court ACT CAP 167 section 22 states "***Any person aggrieved or not happy by an order or decision of an island court may within 30 days from the date of such orders to appeal to the Magistrate Court***".



Dated at Lakatoro this 16th day of April 2018

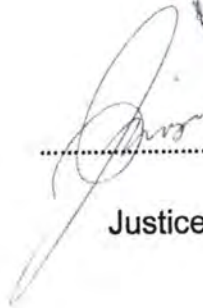
BY THE COURT



Justice Douglas Fadal



Justice Patisson Peter



Justice Joses Lingi