

**IN THE ISLAND COURT (LAND)
OF THE REPUBLIC OF
VANUATU – Port Vila
(Custom Land Jurisdiction)**

Case No. 17/2699 IC/CUST

IN THE MATTER OF: Forari/Manuro Customary

AND IN THE MATTER OF A DECISION OF: Forari Village Land Tribunal Decision, dated 14 February 2014 in Land Case No. 1 of 2013

IN THE MATTER OF: An Application pursuant to Section 45 of the Custom Land Management Act

BETWEEN: Family Boblang
Eton Village, East Efate
Applicants

AND: Forari Village Land Tribunal East Efate Area
c/- Custom Land Management Office
1st Respondent

AND: Kennedy Matokuale Tariwer
Marou Village, Emau Island
2nd Respondent

MINUTE AND ORDER

1. The applicant is represented by Ms Julieth Kaukare.
2. The first respondent was represented by Mr Lennon Huri.
3. The second respondent was represented by Mr Roger Rongo.
4. In preliminary matters, the applicant submitted that the decision made on 2nd December, 2022, for Case No. 22/2718, between Chief Tarinuamata and Forari Village Land Tribunal (East Efate) and Kennedy Matokuale Tariwer was set aside and it was ordered that the matter is referred back to a newly constituted nakamal. Due to this ruling, the applicant submitted that their case should also be referred back to the nakamal as they are also challenging that same decision that has already been set aside.
5. Although the set of facts for this case is different to the set of facts in Case No. 22/2718, this case has not been heard by the Court. This is the reason why the Court did not include parties in this case in the ruling made in Case No. 22/2718.
6. It was suggested by the Court that it is proper for the parties in this case to withdraw their application in this Court in order to be able to join as an aggrieved party in the newly constituted nakamal, as ordered in Case No. 22/2718.
7. The first respondent confirmed to the Court that any aggrieved party may join in nakamal hearings.
8. The applicant then made an oral application to withdraw the application to review their case.
9. The second respondent submitted that the oral application for withdrawal was accepted and that any applications he has filed is withdrawn pursuant to the oral application.



THE COURT hereby orders,

- a) That the ruling made on 2nd December, 2022 for Case No. 22, 2718, applies in this matter.
- b) That the application for review filed on 25th September, 2017 is withdrawn.
- c) That the parties in this matter may join as parties in any nakamal meeting held by Forari village land tribunal to determine any land issues that are of their interest.

Dated in Port Vila, on this 22nd day of May, 2023

BY THE COURT



B. Kanas Joshua (SM)
CHAIRLADY

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Justice T. Felix

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Justice S. Paton

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Justice L. Sakita

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Justice R. Tining