

IN THE MAGISTRATE'S COURT
OF THE REPUBLIC OF VANUATU

(Civil Jurisdiction)

Civil Case No. 01 of 2003.

BETWEEN: ORAH PETER
Plaintiff

AND: JACK NAUNGA & ATIS JACK
Defendants

Coram: Magistrate JERRY BOE

Plaintiff appear in person

Defendants appear in person

ORDER

Whereas the Defendants on 1 September, 1997, obtained an order against the Plaintiff, his servants, agents, friends and families not to interfere or cultivate on the Defendants' land,

And whereas the Plaintiff, his servants, agents, friends and families have, since the signing of the order, suffered from the enjoyment of the use of the land in planting food and generating of income,

And further, whereas on 21 February, 2003, at Rovo Bay, this court heard both parties and ruled that there exist a dispute over the land

It is hereby adjudged that the Order of 1 September, 1997, be varied in the following terms:

Court Order

- (1) That both parties continue cultivation on their respective areas of land which they have been cultivating before the Order of 1 September, 1997 and must refrain from trespassing into another party's land.

- (2) That both parties are restricted of their cultivation only within areas they have been working on before the Order of 1 September, 1997 and must not clear dark bushes for new gardens or settlements.
- (3) That any root crops such as wild yams, manioc, yams and others, or fruit trees like bananas, nuts and others belonging to the Plaintiff, before the Order of 1 September was made, must be surrendered by the Defendants to the Plaintiff, his servants, agents and friends.
- (4) That any cash crops like coconuts, cocoa and others belonging to the Plaintiff before the Order of 1 September was made, must be surrendered by the Defendants to the Plaintiff, his servants, agents and friends.
- (5) That the Police Commissioner in Port Vila and Police Officer in charge of the Police station at Rovo Bay be served with the copy of this order.
- (6) That any party who breaches the terms of orders 1, 2, 3 and 4 will be arrested by the police and charged for contempt.
- (7) That these orders shall remain in force subject only to variation by this court, or until such time the dispute is solved by the Land Tribunal. Parties are, therefore, encourage to launch their claims in the Lands Tribunal as soon as it is set up.

Dated at Rovo Bay this 21 day of February, 2003.

