

**IN THE MAGISTRATES COURT OF  
THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

**Case No. 24/ 1463 MC/ ENFR**

**BETWEEN:**

**MAXIM REMY**

C/o Tevi Lent of Lent Tevi & Associates  
Luganville, Santo

**Judgement creditor**

**AND:**

**DENNIS PALAUD & FAMILY**

C/o Willie Rollanson of Rollanson Willie &  
Associates  
Luganville, Santo

**Judgment debtor**

*Date of hearing:* 22.07.24

*Before:* Magistrate Toaliu

*Appearance:* Tevi. L for the Judgement Creditor

Willie. R for the Judgement Debtor

---

**STRIKE OUT ORDERS**

---

1. An application to strike out the enforcement proceedings was filed by the Judgement debtor on 2<sup>nd</sup> July 2024.
2. The only ground advanced is that the judgement of the court resulting in this enforcement proceedings is no longer enforceable under law pursuant to section 3(4) of the Limitation Act [CAP 212].
3. On November 14, 2003, the Magistrate Court issued a decision regarding the eviction of the judgment debtor. The judgment debtor appealed this decision to the Supreme Court. On June 17, 2005, the Supreme Court overturned the Magistrate Court's orders. Subsequently, the Supreme Court's ruling was appealed to the Court of Appeal, which reinstated the original decision of the Magistrate Court.
4. Since then, no application was made for enforcement until 14<sup>th</sup> May 2024 when an application for enforcement was made.
5. Section 3(4) of the Limitation Act states:

*An action shall not be brought upon any judgment after the expiration of twelve years from the date on which the judgment became enforceable, and no arrears of interest in respect of any judgment debt shall be recovered after the expiration of six years from the date on which the interest became due.*

6. Mr. Tevi appearing for the judgement debtor concedes that the matter is statute barred thus cannot be pursued. He agrees for the enforcement proceedings to be struck out.
7. As such, this matter is struck out.
8. Cost agreed at 20,000VT to be paid within 30 days by the Judgement Debtor.

**DATED at Port Vila on this 22<sup>nd</sup> day of July 2024**

**BY THE COURT**



**MAGISTRATE**