IN THE MAGISTRATE COURT OF
THE REPUBLIC OF VANUATU

MC/ CIVL
Case No. 24/ 3064

BETWEEN: **PARKER HAMILTON T/ AS HAMILTON PLUMING AND GAS**

Claimant

Bellevue Stage 2, Port Vila
5119512/ 5400985

AND: **HERMON HANGHANGKON**
Port Vila

Defendant

Yawha & Associates Barristers and Solicitors
P.O.Box 309, Nambatu Area,
Port Vila, Vanuatu

Defendant's counsel

Date of hearing: *11 July 2025*

Before: *Magistrate Toaliu*

Appearance: *Yawha. D of Yawha & Associates for the defendant*

Mr. Hermon Hanghangkon (defendant)

Copy: *B. Bill of Bill Bani Tamwata, Barrister & Solicitors for the claimant.*

JUDGEMENT

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1. Judgement is hereby entered in favor of the defendant against the claimant.

2. Today's trial date was agreed and set in a pre-trial conference held on June 16, 2025, with counsels for both parties in attendance. Both counsels agreed the date was convenient.

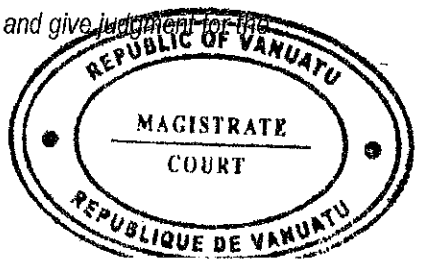
3. When the case was called this morning for trial, the claimant nor his counsel were present. They are represented by Mr. Bill Bani who had filed a notice of beginning to act on November 11, 2024, but has only appeared once in this matter for pre-trial conference on June 16, 2025.

4. Clearly the claimants have failed to make appearance for trial this morning and Mr. Yawha submitted that the court should proceed under rule 12.9(2) which states:

   (2) If a claimant does not attend when the trial starts:

   (a) the court may adjourn the proceeding to a date it fixes; or

   (b) the court may dismiss the claimant's claim and give judgment for the defendant; or



(c) the defendant, with permission of the court, may call evidence to establish that he or she is entitled to judgment under a counterclaim against the claimant.

5. I accept Mr. Yawha's submission and proceed to enter judgement pursuant to rule 12.9(2)(b) in favor of the defendant. The defendant is aware of today's trial and yet failed to appear or failed to notify the court of their absence.

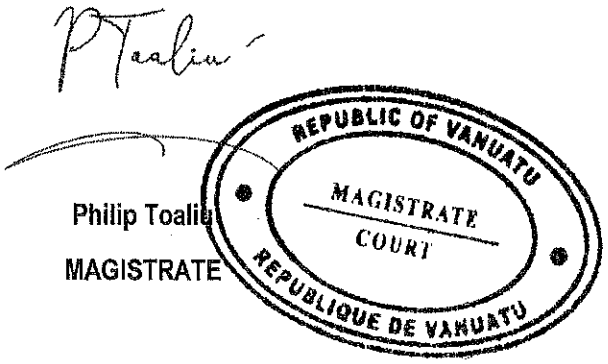
6. The court hereby orders that:

   a. Mr. Hamilton's claim for and outstanding of 573, 838VT for a plumbing work on a do-and-charge basis is hereby dismissed.

   b. Defendant is entitled to costs, to be agreed upon or taxed.

DATED at Port Vila this 11th Day of July 2025

BY THE COURT



Philip Toalip

MAGISTRATE