

(Civil Jurisdiction)

BETWEEN: CHIEF ANDIPURA LIPES

Claimant/Applicant

**AND: JOINT AREA LAND TRIBUNAL OF SOUTH
SANTO, FANAFO, CANAL AND MALO**

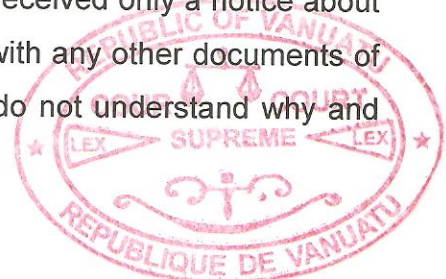
Defendant

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

No appearance by the Claimant/Applicant
Four Members of the Defendant Tribunal appearing in persons

DECISION

1. The Claimant filed an application together with a sworn statement in support on 29th September 2009. He sought two basic orders:
 - (a) That the Defendant Tribunal hear his appeal over Jinonaru land;
and
 - (b) That the hearing be held within 21 days from the date of any orders made by the Court.
2. Today is the second time the Court has called the matter for hearing. The first sitting was held on 5th February 2010. Neither of the Parties were present in Court on that date. Today the Defendant and its four members are present and heard through Chief James Tangis as spokesperson.
3. Chief Tangis tells the Court that they have received only a notice about today's hearing but have not been served with any other documents of the Claimant. He tells the Court that they do not understand why and for what they are appearing in Court for.



4. The Court explains the nature of the Application and the orders sought together with the sworn statements in Bislama for the members of the Defendant Tribunal to understand.
5. Thereafter, Chief Tangis informs the Court that on advice by the Lands Department and the Lands Tribunal Office, the Tribunal did not hear the applicant's appeal because the interest thereon has already been registered.
6. Of more serious concern to the Court is the fact that it has been 5 months since the filing of the application and on the second listing, the Claimant has not yet again appeared to prosecute his application. He has not shown any seriousness in pursuing his application despite him having legal representation. In my opinion, his application should fail and his whole case should be struck out.
7. Accordingly, I rule and order that –
 - (a) The Application of the Applicant be dismissed.
 - (b) Civil Case 27 of 2009 be struck out in its entirety.
 - (c) There be no order as to costs.

DATED at Luganville this 24th day of March 2010.

BY THE COURT


OLIVER A. SAKSAK

Judge

