

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

Civil Case No. 17 of 2013

BETWEEN: MILAI VANUATU LTD

Claimant

AND:

**FAMILY WARAWARA represented by URI
WARAWARA, FAMILY SAWA, FAMILY
VOMBANIKI, FAMILY TANGA & FAMILY
SUA**

Defendants

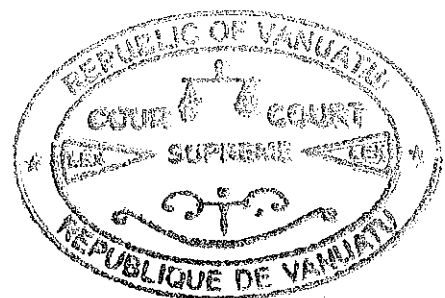
Coram: Mr. Justice Oliver A. Saksak

Counsel: No appearance by Claimant in person or through Counsel
Mr. Lent Tevi for Family Sawa
No appearances by Other Defendant Families

Date: 3rd February 2014

ORDER

1. This matter has not progressed in any useful way by the Claimants since they obtained ex parte orders on 8th April 2013 when Counsel, Mr. Less John Napuati made an appearance.
2. The matter was last called on 1st October 2013 but neither the Claimants nor the Defendants or their Counsel were present.
3. At the Claimant's Counsel's request, the matter was listed for today. Despite the fixture, Counsel did not appear. He did send an email informing that he was involved in a trial in Port Vila on the same date. At best Counsel could have arranged another Counsel to appear on an agency basis.



4. In absence thereof and upon hearing Mr. Tevi for the Sawa Family, the Court being of the view that the primary concern of the Claimants was the placing of namele leaves by the Defendants over the Claimant's property. However, this has been resolved by the grant of the Orders of 8th April 2013 authorising the Police to remove the namele leaves. This has been done and no further actions have been done by the Claimants to prosecute the balance of or the substance of the claim. This indicates a lack of seriousness or lack of want of prosecution by the Claimants.

5. Under those circumstances and pursuant to the powers of the Court in Rule 9.10(2)(a) and (3)(b) of the Civil Procedure Rules, the Court hereby orders that this proceeding be struck out in its entirety with no order as to costs.

DATED at Luganville this 3rd day of February 2014.

BY THE COURT

OLIVER A. SAKSAK
Judge

