

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

Civil Case No. 20/2656 SC/CIVL

BETWEEN: Victor Moltures

Claimant

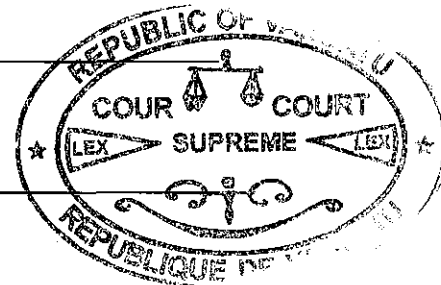
AND: Bule Packette, Livo Liniuse, Johane Lawac, Tavoue Meakey, Carolyn Atchkam, Simon Lorin, Soda Vepelov, Lapto Peto, Trief Atchkam, Kenneth Joseph, Malacky Kuku, Malacky Moses, Tom Louis, Keny Wasy, Obed Bruno, Pakoa, Rocklif Mala, Noeline Packet, Ray Packet, George Wora, Bernard Vira, Pio Tevikokone, Bertrand Tura, Steven Boe, Johnsen Garae, Fred Bulurave, Ebrahim Bulurave, Eron Bulurave, John Vira, Joseph Bulurave, Jeffrey Bulurave, Sakaraw Bulurave, Welsin Roy, Roy Navock, Tomsen Bulurave, Edmond Bulurave, Nelson Bulurave, Rolland Tura, Alfoncine Jeannot, Sergio Koroka, Eliane Koroka, James Koroka, Marco Tamata, Ismael Jimmy, Olivier Jack, Fred John, Brain Boe, Willie Boetevul, Belinda Farel, Martin Farel Bruno Farel, August Farel, Justin Farel, Sandyna Fasel, Sandyna Fasel, Richard Willie, Marco Tao, Votala Toa and Langdo Guillaume

Defendants

Coram: *Justice Dudley Aru*

Counsel: *Mr. Avock Godden for the Claimant*
Mr. A. Bal for the Defendants/Applicants

DECISION
(Application for stay of enforcement proceedings)



Introduction

1. This is an Urgent Application by the defendants for a stay of enforcement warrant dated 5 July 2022. Among the defendant/applicants are Rolland Tura and Bertrand Tura.
2. Without reciting the lengthy history of these proceedings, in short, This Court has accepted that family Taftumol will decide which part of Belmol will be allocated to Family Tura in recognition of their secondary rights. That decision has not been

disturbed by any appeal and gives finality to the dispute over custom ownership of Belmol and Beleru lands.

3. The sworn statement of Godden Avock filed on 25 May 2021 shows that there were several attempts by Family Taftumol allocating land to Family Tura but these were all rejected namely:-

- “1. Ownership of 50 hectares of land for family Tura; and
2. Ownership of land known as Belebut and no other lands”

Application

4. The Applicants on relying on *Iapatu v Noam* Civil Appeal No 2621 of 2018 submit that there were people who were not named who were affected. The only sworn statements filed in support is that of Marie Tura who deposes that her husband is Rolland Tura. Steven Boe deposes that his wife’s Remona Boe and Bernadette Koroka who deposes that her husband is James Koroka. Rolland Tura, Steven Boe and James Koroka are all parties in proceedings.
5. The applicants have failed to provide any further evidence to substantiate their application for stay.
6. I note that this is not the first application for stay. An application for stay was first filed on 6 April 2021 to stay the eviction orders issued on 9 March 2021. That application was listed for 30 August 2021. At the hearing, Mr C Leo did not appear to pursue the application. Mr Avock was present and sought orders that the application be dismissed with costs.
7. A further urgent application to suspend the enforcement warrant was never prosecuted.
8. The claimant submits that this current application is an abuse or misuse of the litigation process. I agree.

Result

9. The application for stay is therefore dismissed. The claimant is entitled to costs fixed at VT75,000

DATED at Port Vila this 25 day of August, 2022

BY THE COURT

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D. Aru
Judge

