

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

**Civil
Case No. 20/1093 SC/CIVL**

BETWEEN: Synn Chul Choi T/A Coreana Motors and Clinic
Claimant

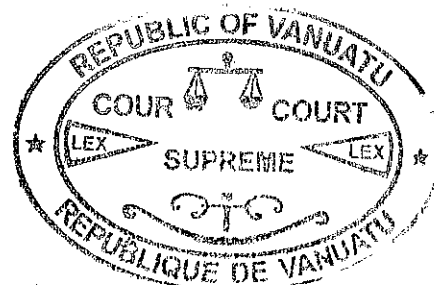
AND: David James Taman
Defendant

Coram: Justice Aru

**Counsel: Mr. J. Ngwele for the Claimant (no appearance)
Defendant (no-appearance)**

DECISION

1. The claim in this matter was initially filed on 18 May 2020. As it was “*not served on the defendant within 3 months of the date on which the claim was filed*” [rule 5.3 (1) *Civil Procedure Rules*] the claimant applied to have the claim renewed pursuant to rule 4.15(a).
2. That application was filed with a sworn statement in support on 6 July 2022. Following the hearing in chambers on 12 July 2022, the application was granted and the following Orders were issued:
 - “1) *The claimant’s claim is hereby reinstated;*
 - 2) *The claimant shall serve the defendant with a copy of the claim within 14 days by 26 July and to file proof of service;*
 - 3) *The claimant must also serve a copy of these Orders on the defendant immediately; and*”
3. At today’s conference, neither party appeared. More than 6 months have now lapsed since those Orders were made. To date no proof of service has been filed to show that the claim was served on the defendant. Similarly, there is no evidence to indicate that the claimant served a copy of those orders on the defendant.
4. The claim is no longer of any effect.
5. Rule 9.10 (2) provides:



“The Court may strike out a proceeding:

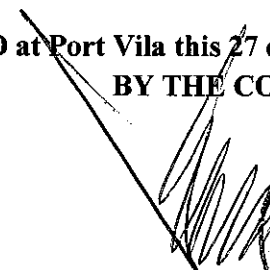
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(d) without notice, if there has been no step taken in the proceeding for 6 months.”

Result

6. Since reinstatement of the claim, the claimant has not taken any step in the proceeding for almost 7 months.
7. The claim is now struck out.

**DATED at Port Vila this 27 day of February, 2023
BY THE COURT**


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**D. Aru
Judge**

