

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

**Civil
Case No. 23/468 SC/CIVL**

**BETWEEN: Ifira Port Development and Services Company
Limited**
Claimant

**AND: Roger Fabros t/a Genesis Shipping Services &
Customs Brokerage**
Defendant

Date of HEARING: 16th day of October, 2024 at 10:45 AM
Date of Judgment: 17th October 2024
Before: Justice Oliver Saksak
In Attendance: Mr Sakiusa Kalsakau for the Claimant
Mr Nigel Morrison for the Defendant

JUDGMENT

Introduction

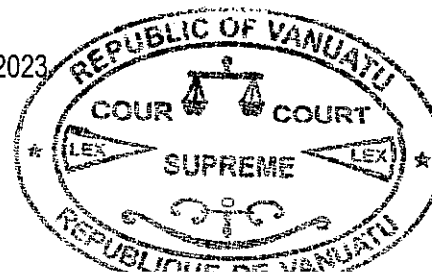
1. This is a monetary claim of VT 15,634,449 being the balance remaining and owing for services rendered to the Defendant by the Claimant at his request in or about November 2022.

Background

2. In November 2022 the defendant, trading as Genesis Shipping Services & Customs Brokerage engaged the services of the claimant.
3. A quotation for the operation was provided to the defendant which required a deposit of 75% prior to operations with the balance payable upon completion of the operation. However the defendant only made 60% deposit into the claimant's account, a short fall by 15%.

The Claim and Defence

4. The claimant filed a formal claim against the Defendant on 28th April 2023.



5. On 12th June 2023 a defence was filed by the defendant basically admitting a debt remains outstanding, but specifically denies that it is in the sum of VT 15,634,449 as claimed.

Summary Judgment Application

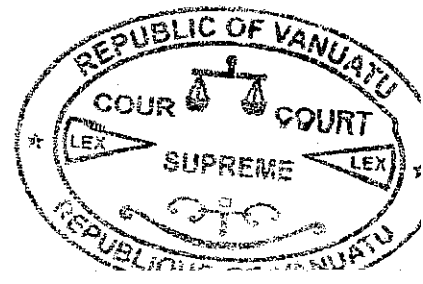
6. Pursuant to Rule 9.6 of the Civil Procedure Rules the Claimant filed an application on 8th December 2023 seeking summary judgment on grounds that the defence filed on 12th June 2023 does not disclose any real defence.

Evidence

7. The claimant relied on three sworn statements by Jacklyn Ishmael filed on 1st December 2023, and 10th April 2024 (x 2), and on the sworn statement of Russel Mitchell filed on 17th May 2024.
8. The defendant did not file any evidence.
9. From the evidence Mr Kalsakau submitted that the Court should find in favour of the claimant and to enter judgment and grant the reliefs sought.

Discussion

10. There being no evidence by the defendant in support of his defence in paragraph 7, I am satisfied from the evidence by the claimant by sworn statements of Ms Ishmael and Mr Mitchell that a debt is owing to the claimant in the sum of VT 15,634,449, and that the defendant is liable to make good the debt.
11. I therefore enter judgment for the claimant and Order that-
 - a) The defendant pays the claimant the sum of VT 15,634, 449 within 30 days from the date of judgment.
 - b) Interest at 5% per annum from date of filing to date of judgment.



c) Costs on the standard basis as agreed or taxed.

DATED at Port Vila this 17th day of October, 2024.

BY THE COURT

