

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

Civil
Case No. 24/1232 SC/CIVL

BETWEEN: Jean Marc Pierre

Claimant

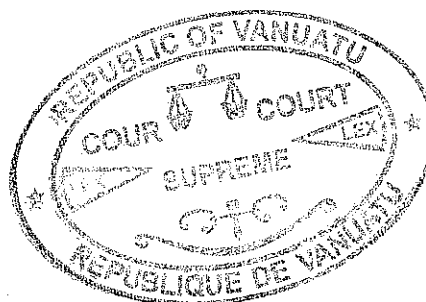
AND: The Republic of Vanuatu

Defendant

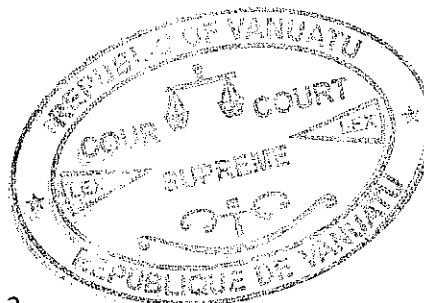
Date of CONFERENCE: 16th day of May, 2025 at 9:00 AM
Before: Justice Oliver Saksak
In Attendance: Mr Freddie Bong for the Defendant as Applicant
Mr Kent Tari for the Claimant as Respondent

DECISION

1. I heard Mr Bong and Mr Tai in relation to the State's application seeking leave to appeal out of time. Mr Tari opposed the application on the basis of Rule 20 of the Court of Appeal Rules.
2. I orally refused the application and dismissed it.
3. I now provide my reasons.
4. The facts are stated in the judgment dated 20 February 2025 and I need not restate them.
5. The defendant accepted liability by a memorandum dated 22 July 2024. The defendant did not file any defence subsequently. They indicated they made an offer to the claimant which was not accepted and therefore the matter proceeded to a hearing as to quantum. The amount offered was not disclosed.




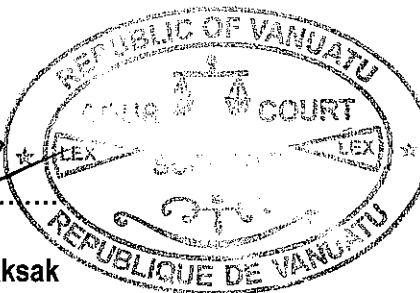
6. The amount claimed in the Supreme Court claim was the total of VT 2,456,064. The Court entered judgment in favour of the claimant for a reduced sum of VT 1,535,832.
7. On 3rd February 2025, some 17 days before the judgment was issued the Defendant signed an LPO, Local Purchase Order No. 110-005922 (see "FB1" to Mr Bong's sworn statement of 5th May 2025) for the total sum of VT 1,000,000 to be paid to the claimant.
8. The Court was not informed about this LPO at any time prior to the hearing or at the hearing. Had the Court been so informed, the outcome of the amounts in the judgment might have been different.
9. There was no formal defences of pleadings denying entitlements of the claimant to severance, annual leave, two weeks' notice and common law damages. All we had were written submissions filed on 30 January 2025, which in my view are improper in the absence of proper pleadings or defences.
10. Had negotiations and instructions by the Defendant been made in a more timely fashion, litigation would have been avoided with costs and of course the delay. The delay from the judgment itself was more than 2 months. And I agree with Mr Tari that an application requesting an extension of time to appeal out of time should have been made.
11. In the end I reached the conclusion that the application was misconceived and should be dismissed. Accordingly it was dismissed.



12. Costs follow the event. In my view the Defendant must pay the claimant's costs of the application which I fix at VT 30,000. This cost shall be paid within 28 days from the date hereof.

DATED at Port Vila this 19th day of May, 2025.

BY THE COURT


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Hon. Oliver Saksak

Judge