



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

Civil
Case No. 23/111 SC/CIVL

BETWEEN: Johnna Tao
Claimant / Respondent

AND: Singiau Daniel
Defendant/ Applicant

Date of HEARING OF APPLICATION: 16th day of May, 2025 at 8:30 AM
Date of Decision: 12th June 2025
Before: Justice Oliver Saksak
In Attendance: Mr Roger Rongo for Claimant as Respondent
Mr Willie Kapalu for Defendant as Applicant

DECISION

1. The application by the defendant filed on 23rd April 2025 to set aside the default judgment issued on 18th August 2023 is declined and is hereby dismissed with costs.

Reasons

2. First, the application is made some 22 months after the default judgment was issued. It is very late.
3. Second, the applicant's main ground is that he was not served. The reality is that he refused to be served and he cannot use that refusal to be an excuse for non-service.
4. Third, from the facts and evidence the applicant has purchased the same land and sold it illegally to other buyers without following the lawful procedures.
5. Fourth, he asserted that the lease is not yet registered. That ground alone cannot be sufficient to set aside a valid judgment by default which is a final judgment. The defendant could have appealed against the judgment but did not.
6. For those reasons the application is misconceived and is dismissed with costs.
7. The applicant will pay the claimants' costs of the application on the standard basis as agreed or be taxed.

DATED at Port Vila this 12th day of June, 2025.

BY THE COURT


Hon. Oliver Saksak

Judge

