



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

Civil Case No. 25/3208 SC/CIVL

**AND: Malasikoto Family**  
*Claimant*

**AND: Damien Boe**  
*First Defendant*

**AND: Custom Land Management Unit**  
*Second Defendant*

**AND: Silas Vatoko, Nakmau Sambo, Edwin Malas &  
Dee- Jones Vatoko**  
*Third Defendants*

**AND: John Amos and Cindy Amos**  
*Fourth Defendants*

**AND: The Director of Lands**  
*Fifth Defendant*

**Before:** *Justice Oliver A. Saksak*

**In Attendance:** *Mr Willie Daniel for the Claimants*  
*Mr Edward Nalyal for Third Defendants*  
*Mrs Mary Grace Nari for Fourth Defendants*  
*Mr Freddie Bong for First, Second and Fifth Defendants*

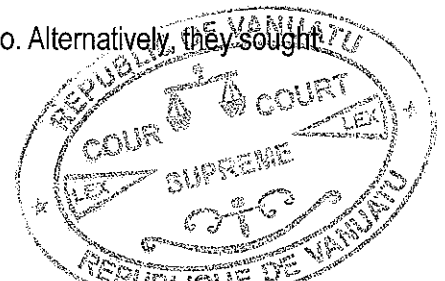
**Date of Hearing :** *11<sup>th</sup> December 2025*  
**Date of Decision :** *11<sup>th</sup> December 2025*

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**DECISION**

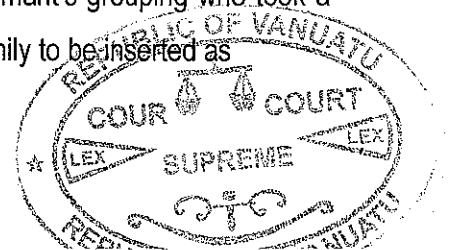
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1. I heard all Counsel at 10:30am today in relation to 2 applications, one filed by Mr Daniel on 9/12/2025 at 3:25pm, and the other filed by Mr Nalyal on 10/12/2025 at 4:30pm.
2. The application by Mr Daniel seeks an order restraining the First Defendant from enforcing his decision made on 8<sup>th</sup> December 2025 but which is contained in his letter of 12 December 2025. The second order sought is to restrain the First, Second, Third and Fourth Defendants from relying on the decision dated 8<sup>th</sup> December 2025. The third order is to maintain the orders of 28 October 2025. The fourth order sought is for the Court to order that Jimme Malasikoto and Freddie Malasikoto be inserted into the new certificate as representatives of Chief Silu Malasikoto. Alternatively, they sought



an order that the First Defendant's conduct at the meeting held on 2<sup>nd</sup> December 2025 was unlawful and to order a new meeting to be held in compliance with the orders of 28<sup>th</sup> October 2025.

3. The application is supported by the sworn statements of Freddie Malasikoto as to urgency and of Kalpa Taea.
4. Mr Willie filed written submissions at 10:15am on 11/12/2025 just before the scheduled hearing.
5. Mr Nalyal's application seeks an order that the orders dated 28<sup>th</sup> October 2025 be set aside and Counsel filed a sworn statement by Silas Vatoko in support of the application. He filed a response on 10<sup>th</sup> December 2025 objecting to the application.
6. Mr Blake made oral submissions supporting Mr Nalyal's application.
7. Mr Bong informed the Court the Fifth defendant would simply abide by orders of the Court.
8. I have considered the materials placed before me in relation to the application. I have considered all submissions made to me by Counsel, oral and written.
9. The Judgment made is clear in paragraph 34 that the orders of 28<sup>th</sup> October 2025 were to be maintained until a 6H meeting was held.
10. That meeting was held on 2<sup>nd</sup> December 2025. Unfortunately there was no Consensus reached because of the disagreement over the numbers of representatives to be inserted. The claimants proposed four representatives, the second defendant accepted or proposed only two, which the claimants did not accept. There was a stalemate resulting in the First Defendant adopting a fallback position by making his decision contained in his letter of 12<sup>th</sup> December 2025. Presumably the date is wrong but as there was no instruction by Mr Bong and Mr Boe not present, there was no clarification on the date. However it is clear and accepted the actual decision was made on 8<sup>th</sup> December 2025.
11. The same paragraph records also that common sense should prevail to facilitate a new 6H meeting to bring about some finality. However it appears to me it was the claimant's grouping who took a hardline stand to maintain their proposal of four (4) members of the family to be inserted as



representatives. They could simply have backdown and accepted the Second Defendant's proposal of two (2). They did not, therefore they were the cause of the outcome of the meeting held on 2<sup>nd</sup> December 2025.

12. In my view it is now the claimants who have come to the Court with unclean hands.
13. Accordingly I refuse the orders they seek in their application and dismiss the application.
14. As for the application by Mr Nalyal, the application is allowed. The Orders dated 28<sup>th</sup> October 2025 are hereby set aside.
15. Costs are to remain in the cause.

**DATED at Port Vila this 11<sup>th</sup> day of December 2025**

**BY THE COURT**

  
**Hon. Justice Oliver A Saksak**

