

BETWEEN: GEORGE BOAR
Judgment Creditor

**AND: ALLAN PAMAVARI
TAHE PAMAVARI**
Judgment Debtors

Before: *Justice Oliver A. Saksak*

In Attendance: *The Judgment Creditor in person
Mrs Corrine Hamer for the First and Second Judgment Debtors*

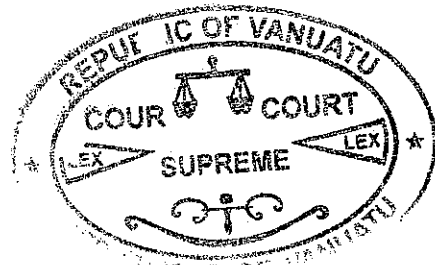
Date of Hearing: *29 August 2025*

Date of *26 September 2025*

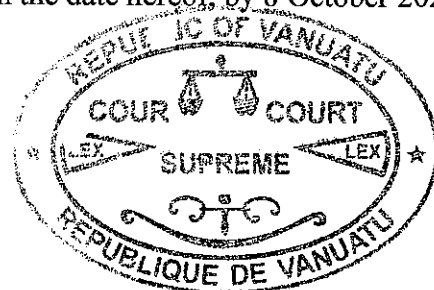
Decision:

JUDGMENT

1. The Claimant, Mr Boar instituted proceedings in October 2015 to recover legal costs against the defendants having acted for them in 2011 in Civil Case 34/2011 and CC 195/2006, in CC 43/2014, in CC 04/2012. The amount claimed was VT18,767,017.
2. On 26 January 2016 the claimant obtained default judgment in his favour for the sum of VT18,792,017 plus interest of 5% per annum at VT939,600 and filing fees of VT20,000. The total sum adjudged in the claimants favour was VT19,751,617.
3. Mr Boar has taken enforcement proceedings against the Defendants to enforce the default judgment to be avail.
4. The Defendants have applied to have the default judgment set aside by an application filed on 31 July 2025 plus a sworn statement in support filed on 1 August 2025.




5. Mr Boar opposes the application. He filed a Response on 26 August 2015 and written submissions with a supporting sworn statement on 27 August 2025.
6. I heard both Mrs Hamer and Mr Boar on 29 August 2025 orally in relation to their respective written submissions and reserved my decision.
7. The First Defendants assert in their sworn statement that they did not respond to the claim because they were never served with the original claim. He further asserts he only became aware of the Notice of hearing in or about June 2025.
8. Mr Boar on the other hand relied on the sworn statement of Sakary Faithful deposing that he served documents on Tahe Pama but on the advice of Allan Pama he refused to sign. That was an attempted service and was incomplete. In my view this is sufficient to justify the setting aside of the default judgment.
9. I note it has been some 9 years but with the sworn statement of Tahe Pama of 1 August 2025 in which he makes reference to CC 195/2006, CC 34/2011, CC 04/2012 and CC 43/2014 and some memoranda of costs and disbursements, including some receipts of cash payments, it appears to me there present some real issues as to the actual amount of costs that remains owing to the Claimant.
10. In the circumstances therefore I allow the application. I set aside the default judgment dated 16 January 2016. There will be no orders as to costs of the application.
11. The case must now be advanced to a proper hearing. But there must be proper defences and sworn statements. I therefore order as follows:-
 - a) The claimant is to file and serve supporting sworn statements disclosing all Bills of Costs issued in each cases and receipts of any payments made within 21 days from the date hereof, by 16 October 2025.
 - b) The First and Second Defendants are to file and serve defences and/or Counter-Claims within 14 days from the date hereof, by 8 October 2025.

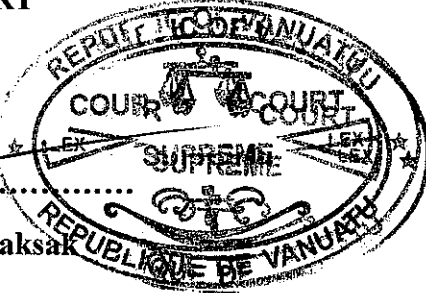


- c) The First and Second Defendants are to file and serve their sworn statements in support of defences and/or counter-claims by 30 October 2025.
- d) There be a review on 31 October 2025 at 8.15am.
- e) Costs are to be in the cause.

DATED at Port Vila this 26th day of September, 2025.

BY THE COURT


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Justice Oliver A. Saksak



The seal of the Supreme Court of Vanuatu is circular. The outer ring contains the text 'REPUBLIQUE DE VANUATU' at the top and 'REPUBLIC OF VANUATU' at the bottom. Inside the ring, the words 'COURT SUPREME' are written in a semi-circle. In the center of the seal is a scale of justice, flanked by two stars. Below the scale is a decorative flourish.