

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

Judicial Review  
Case No. 24/2232 SC/JUDR

BETWEEN Family Albert, Family Sandy, Family Bob and Rutau

Claimant

AND: John Nalwang

First Defendant

AND: Family Saiken Simeon

Second Defendant

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

**In Attendance:** Mr Roger Rongo for Family Albert, Family Sandy and Family Bob-  
Claimants  
Mr Willie Kapalu for Family Rutau- Claimants  
No appearance for First Defendant  
No appearance for Second Defendant ( Mr Roger Tevi)

**Date of Hearing:** 09<sup>th</sup> October 2024, 22<sup>nd</sup> November 2024 and 19<sup>th</sup> February 2025

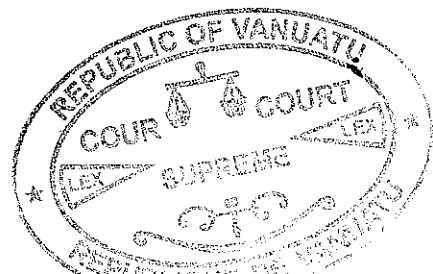
**Date of Judgment:** 06<sup>th</sup> March 2025

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### JUDGMENT

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1. By a judicial review claim filed on 19<sup>th</sup> January 2024 the Claimant families seek orders:
  - a) To quash the Certificate of Recorded Interest issued on 14<sup>th</sup> October 2014 by the First Defendant in favour of the Second Defendant.
  - b) Indemnity costs.
2. Mr Tevi for the Second Defendant filed a defence on 20/11/2024 but no evidence by sworn statements despite direction orders issued on 9<sup>th</sup> October 2024.
3. The First Defendant has never entered any appearance and has not filed any defence and/or sworn statement despite directions issued on 9<sup>th</sup> October and again on 22<sup>nd</sup> November 2024.
4. The Court has made some passing comments in its minute of 9<sup>th</sup> October 2024. However having looked more carefully at the documents filed by the claimants in support of the claim, I have found that-



- a) The Certificate sought to be quashed annexed as "JA1" to the sworn statement of Jospheh Albert in support of the JR claim filed on 19/07/2024 relates to Nakusi Armaning Custom land at Waisisi, East Tanna, therefore it is not the correct document.
  - b) The Certificate is stated to have been issued on 14<sup>th</sup> October 2014. It seems to me John Nalwang could not have been the National Coordinator then, therefore he is wrongly named as First Defendant.
  - c) Rule 17.5 (1) requires that claims for judicial review must be filed within 6 months of the date of decision being made. From 2014 to 2024 is some 10 years down the track. The claim is therefore out of time. No leave has been sought by the claimants to file their claim out of time.
  - d) There is therefore undue delay in filing this proceeding.
5. For those reasons, I decline to hear this claim further and order that it be struck out.
  6. There will be no order as to costs. Each party bears their own costs.
  7. I am aware there is also a civil case 24/1217 which is perhaps stayed pending the outcome of this JR proceeding. The parties are at liberty to reinstate that proceeding. If there are any outstanding applications for interlocutory orders in this proceeding, they should be brought into CC 24/1217 instead.

DATED at Port Vila this 6th day of March 2025

BY THE COURT

  
Hon. Oliver A Saksak

Judge

