

**IN THE COURT OF APPEAL OF  
THE REPUBLIC OF VANUATU**  
(Civil Appellate Jurisdiction)

Civil Appeal  
Case No. 17/3043 CoA/CIVA

**BETWEEN:** MARK ATI

Appellant

**AND:** NATIONAL BANK OF VANUATU

Respondent

**Coram:** *Hon. Chief Justice Vincent Lunabek  
Hon. Justice John von Doussa  
Hon. Justice Ronald Young  
Hon. Justice Paul Geoghegan*

**Counsel:** *F. Laumae for the Appellant  
N. Morrison for the Respondent*

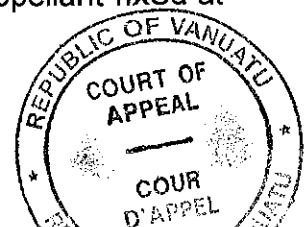
**Date of Hearing:** 16<sup>th</sup> February 2018

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**MINUTE**

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1. This appeal is against a judgment in the Supreme Court which granted summary judgment empowering the respondent to sell and transfer two leasehold properties which the appellant had mortgaged to the respondent.
2. When the appeal was set down for hearing in this special session, and directions as to the filing of appeal books and submission were given.
3. When the appeal was called no appeal books or submissions had been filed, but counsel for the appellant handed up brief written submissions, the primary thrust of which was that the respondent had sold the leasehold properties for less than their proper value. Counsel informed the Court that the appellant wished to withdraw his appeal and that he proposed to institute fresh proceedings in respect of the alleged under-value sale of the properties.
4. Upon the Court announcing that the appeal would therefore be dismissed the respondent sought costs of the appeal. After hearing the parties the Court announced that an order for costs would be made against the appellant fixed at VT75,000.




5. The Court made the following orders:

- (a) Appeal dismissed;
- (b) Appellant to pay the respondent's costs of the appeal fixed at VT75,000.

DATED at Port Vila, this 16<sup>th</sup> day of February, 2018.

BY THE COURT

  
Vincent LUNABEK  
Chief Justice.

