

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

Civil Appeal
Case No. 18/1842 CoA/CIVA

BETWEEN: RICHARD COLLEN
Appellant

AND: KALKAWA LAUMAN JAMES
Respondent

Coram: *Hon. Chief Justice Vincent Lunabek*
Hon. Justice John von Doussa
Hon. Justice Ronald Young
Hon. Justice Daniel Fatiaki
Hon. Justice Dudley Aru
Hon. Justice Gust Andrée Wiltens
Hon. Justice Felix Stephen

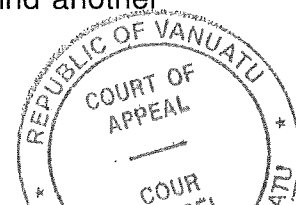
Counsel: *Appellant – no appearance*
P. Kalwatman for the Respondent

Date of Hearing: *29th April 2019*

Date of Judgment: *29th April 2019*

MEMORANDUM

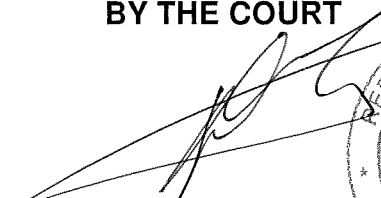
1. This appeal was called today for allocation in the present sitting of the Court of Appeal. The appellant did not appear and the respondent applied to have the appeal dismissed.
2. The appellant filed the originating notice of appeal on 3rd July 2018 but without stating grounds of appeal. At a listing conference for the November 2018 session of the Court of Appeal the lawyer then on the record for the appellant informed the review judge that he had received no instructions from the appellant. At the lawyer's request the appeal was adjourned to the February 2019 session of the Court of Appeal.
3. On 22nd January 2019 at a review conference for the February 2019 session the appellant was directed to file an appeal book by 31st January 2019. This did not happen. On 11th February 2019 the lawyer then on the record for the appellant informed the court that he had ceased to act. A notice of ceasing to act was filed and served on the appellant on 4th February 2019 with advice from the former lawyer that the appellant should attend his office for assistance to find another lawyer.



4. On 3rd April 2019 in the review order for this session the appellant was directed to file an appeal book by 16th April 2019. This review order was served on the appellant by the sheriff.
5. No appeal book has been received and the appellant has failed to appear before the Court of Appeal today.
6. The appellant has failed to prosecute his appeal. The application of the respondent is granted. The appeal is dismissed for want of prosecution. No order is made as to costs.

DATED at Port Vila, this 29th day of April, 2019.

BY THE COURT


Hon. Vincent Lunabek
Chief Justice.

