

IN THE MAGISTRATE'S COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil Case No.84 of 2003

BETWEEN: CHIEF ANDREW PAKOA
Plaintiff

AND: MANFEI KALTAMAT
Defendant

ORDER

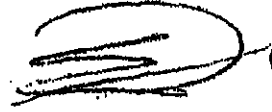
UPON HEARING the representatives of the parties and having perused the sworn statements filed herein; **IT IS HEREBY ORDERED** that the application dated 20/08/03 is set aside. The grounds justifying this ruling are as follows:

1. There is an existing order of the Island Court in Civil case no.85/94 dated 22nd of April, 1994 prohibiting the plaintiff from carrying out any development on this disputed land containing Titles 168 & 170.
2. There is also another order of this Court dated 26th June 2003 restraining the plaintiff from further dealing or interfering with any assets belonging to the Eratap community currently headed by the Defendant.
3. That the plaintiff has no authority and or locus standi to make such application and claim.
4. That the application and claim discloses no reasonable cause of action against the defendant.
5. That the Permit no. VA22108 was illegally obtained in light of grounds no.1&2 above.

Having being satisfied, **IT IS FURTHER ORDERED** that the plaintiff's statement of claim dated 9/05/03 is struck out with cost to the defendant certified in the amount of VT 24000 due at the end of this month.

Dated at Port Vila this 2nd day of September, 2003

BY THE COURT



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EDWIN MACREVETH
MAGISTRATE

