

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

Civil Case No. 36 of 2011

BETWEEN: FAMILY WARER

Claimant

AND: SANTO MALO ISLAND LAND TRIBUNAL

First Defendant

AND: FAMILY RIRI

Second Defendant

AND: FAMILY MORRIS

Third Defendant

AND: ~~FAMILY OBED-TOTO~~

Fourth Defendant

AND: PHILIP NOV

Fifth Defendant

AND: GEORGE NIEL

Sixth Defendant

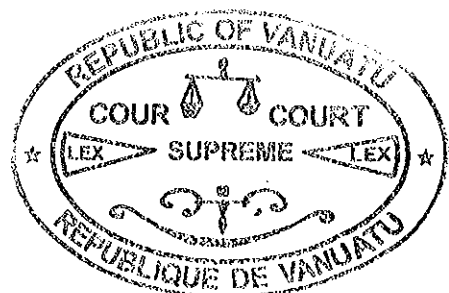
AND: FAMILY NAMSER

Seventh Defendant

Coram: *Mr. Justice Oliver A. Saksak*

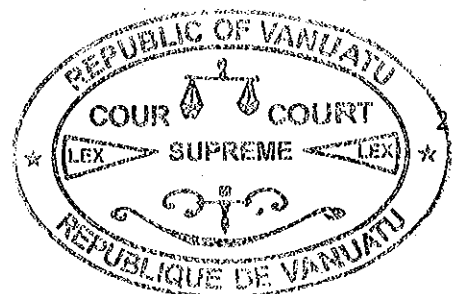
Counsel: *Mr. George Boar for the Claimant – Not present
Ms Jennifer Warren for First Defendant
Mr. Saling Stephens for Fourth Defendant*

Date of Hearing: *24th October 2014*
Date of Judgment: *26th November 2014*



JUDGMENT ON TAXATION OF COSTS

1. On 17th August 2014 the Court delivered judgment dismissing the Claimants claims in their entirety and awarded costs in favour of all the Defendants except the Second Defendant (Family Riri).
2. Pursuant to that decision only two Defendants served their respective Bill of Costs on the Claimant. The First Defendant's Bill of Cost is dated 16th October 2012 and is for the sum of VT537,331. The Fourth Defendant's Bill of Costs is dated 11th September 2013 and is for the sum of VT308,415. These Bills were served on the Claimant.
3. When the Court sat on 8th October 2013 Mr. Boar, Mr. Stephens and Ms Warren were in Court. Mr. Boar sought an adjournment for 14 days to seek instructions from his client and file objections (if any). All counsel agreed and the Court adjourned on that basis to 24th October 2014.
4. On 24th October 2014 Mr. Boar was not present in Court and there was no correspondence from Counsel why he was not present. Mr. Stephens informed the Court that he had reserved Mr. Boar with the Bill dated 11th September 2013 but that the Claimant had not filed any objections. Therefore Mr. Stephens sought judgment for the amount claimed.



5. I have perused the costs as claimed. In my view the costs claimed are itemized and are clear to the Court. The costs claimed are reasonable party/party costs of the Fourth Defendant. Those costs have not been objected to by the Claimant. On that basis the Court allows all costs as claimed and certify the sum of VT308,415 as reasonable party and party costs of the Fourth Defendant which the Claimant must pay. Accordingly judgment is entered.

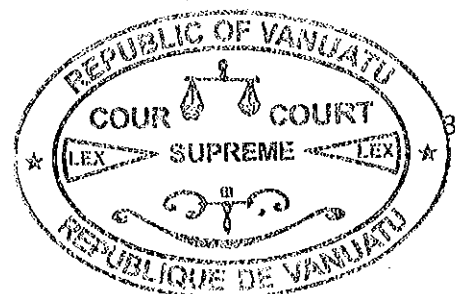
6. The Court Orders the Claimant to pay the Fourth Defendant his costs of VT308,415 within 28 days from the date of this judgment.

7. I turn now to the Costs claimed by the First Defendant. Ms Warren indicated to the Court on 24th October 2014 that they had reserved their Bill on Mr. Boar but that they had been no objections filed. Counsel therefore sought judgment.

8. I have perused the costs in light of the documents in the Court File. I indicate at this point that the costs claimed in the sum of VT537,331 is unreasonable and is excessive. I make the following findings and tax the costs accordingly –

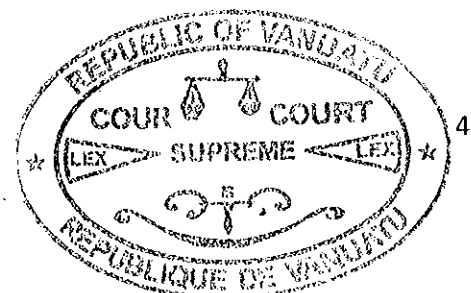
1. On the Claim, it is excessive and is reduced from VT25,333 down to VT21,000.

2. On the Defence, I find no defence in the File and therefore disallow the costs claimed to reducing the amount claimed to VT21,000.



3. On Disclosure, there was no direction by the Court requiring formal disclosure. Whilst I am inclined to allow costs claimed under this item, I reduce VT16,000 for taking instructions and allow only VT8,000 for 30 minutes.
4. On Other Conferences, I reduce the costs of attendance on 8/11/011 to VT4,000 for 15 minutes instead of 30 minutes and allowing only the sum of VT8,000.
5. On Correspondences, the sum of VT12,000 is allowed.

6. On Getting Up the sum of VT93,333 is excessive. The costs of general preparation is disallowed and costs of instructions and drawing up of submissions are reduced to 30 minutes each. The total costs allowed for this item is VT16,000.
7. On Trial, there were no attendance by Counsel on 5/07/012 and on 17/08/012 and those costs are disallowed. The only costs allowed are for attendance on 1/08/012 but is reduced from 85,333 down to VT12,000 for 45 minutes instead of 320 minutes.
8. On Other Disbursements, it is not clearly particularized but I am prepared to allow VT8,000 as claimed.
9. Finally on Drawing of the Bill, I am prepared to allow the sum of VT32,000 for this item.




10. Accordingly the costs claimed is reduced to VT146,000 and judgment is accordingly entered.

11. The Claimant is hereby ordered to pay the sum of VT146,000 as reasonable party/party costs to the First Defendant within 28 days from the date of this judgment.

DATED at Luganville this 26th day of November 2014.

BY THE COURT


OLIVER A. SAKSAK

Judge

