

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

**Civil**  
**Case No. 19/2486 SC/CIVL**

**BETWEEN: F.P.F. Company Limited**  
Claimant

**AND: DJ Plant and Machinery Quarry Limited**  
First Defendant

**AND: David Sam Joseph**  
Second Defendant

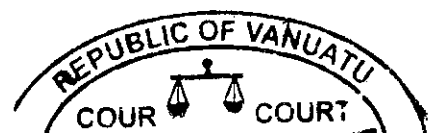
*Date of Conference:* 24 June 2020  
*Before:* Justice V.M. Trief  
*In Attendance:* Claimant – Mr N. Morrison  
Defendants – no appearance  
*Date of Decision:* 24 June 2020

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**JUDGMENT**

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1. The Claimant filed its proof of service of the Claim on 4 November 2019 and its Request for Default Judgment on 26 February 2020.
2. The Second Defendant Mr Joseph appeared at the last Conference, on 29 May 2020, and requested time to retain a lawyer and file a Defence. No lawyer has filed a Notice of Beginning to Act for either Defendant, nor have Responses or Defences been filed.
3. Further, neither Defendant has appeared today.
4. Mr Morrison sought judgment as to the value of the bulldozer and relied on the Sworn statement of Amy Feng. Ms Feng evidences that in August 2017, the Claimant, as consignee, received one Break Bulk Bulldozer. The Claimant claims the value of the bulldozer in the sum of VT8,000,000.



5. Judgment by default is appropriate. Neither Defendant has taken steps to dispute the Claim.
6. Pursuant to rule 9.2(4) of the *Civil Procedure Rules*, judgment is entered by default in favour of the Claimant in the sum of VT8,000,000 – the amount it claimed. The Claimant is further granted interest on that amount at 5% p.a. from the date of judgment until it is paid in full.
7. The Claimant is entitled to his costs for this Claim. These I fix at VT75,000.
8. Pursuant to rule 14.3(1)(b) of the *Civil Procedure Rules*, I now schedule a Conference **at 3.45pm on 22 July 2020**, to ensure the judgment has been executed or for the judgment debtors to explain how it is intended to pay the judgment debt. For that purpose, this judgment must be personally served on the Defendants.

**DATED at Port Vila this 24<sup>th</sup> day of June 2020  
BY THE COURT**

*UM Trief*  
.....  
Viran Molisa Trief  
Judge

