

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

Civil
Case No. 20/3462 SC/CIVL

BETWEEN: Church of Melanesia (Vanuatu) Trust
Board

Claimant

AND: Sammy Garae and Family

Defendants

Date of Hearing: 19 May 2021
Before: Justice V.M. Trief
In Attendance: Claimant – Mr L. Tevi
Defendants – no appearance (in person)
Date of Decision: 21 May 2021

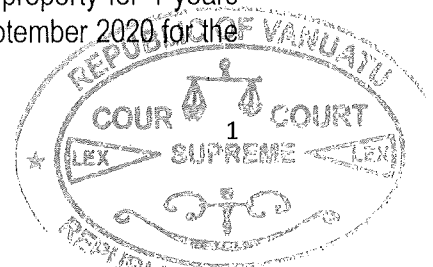
JUDGMENT

A. Introduction

1. The Claimant Church of Melanesia (Vanuatu) Trust Board seeks eviction of the Defendants Sammy Garae and Family from lease title no. 04/2643/013. This matter proceeded by way of formal proof hearing as the latter have not taken any steps in the proceeding. Mr Tevi relied on the Claim and sworn statement filed. I now set out my decision.

B. Evidence

2. Mr John Siba, Trust Officer of the Claimant produced in evidence a copy of the Lands Registry Advice of Registration of a Dealing recording that on 3 August 2017, the Director of Land Records registered the Transfer of Lease title no. 04/2643/013 (the 'property') from Jackleen Reuben Titek to the Claimant.
3. Mr Siba also deposed that the Defendants were placed on the property by the previous owner, Mr Titek. The Claimant has given the Defendants several notices to vacate the property and has even performed a custom ceremony asking them to leave, to no avail. The Claimant has been unable to enjoy its property for 4 years now. Its employees have not entered on the property since September 2020 for the fear of threats and intimidation by the Defendants.



C. Discussion

4. There is clear evidence of the Claimant's legal entitlement to the land. It is the registered proprietor of lease title no. 04/2643/013.
5. The Defendants occupy the land, and despite being given notice to quit, have not vacated the property. Further, I accept Mr Siba's evidence that they have subjected the Claimant's employees to threats and intimidation which have made them fearful of entering onto the property since September 2020.
6. The Claimant has proved its Claim and is entitled to the relief sought.

D. Decision

7. Judgment is entered for the Claimant.
8. The Defendants are to vacate lease title no. 04/2643/013 within 28 days from the date of service of this decision.
9. The Claimant is entitled to its costs on the standard basis as agreed or taxed by the Master. Once settled, the costs are to be paid within 21 days.

E. Enforcement

10. Pursuant to rule 14.37 of the *Civil Procedure Rules*, I now schedule a Conference at **10.30am on 21 June 2021**, including by video link to the Luganville Court House, to ensure the judgment has been executed or for the Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment must be personally served on the Defendants.

DATED at Luganville this 21st day of May 2021
BY THE COURT

.....

Viran Molisa Trief
Judge

