

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

**Civil
Case No. 23/3467 SC/CIVL**

BETWEEN:

Ian Kalsakau

Claimant

AND:

Kalpokor Kalsakau

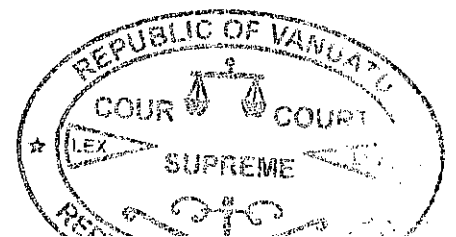
Defendant

Before: *Justice Oliver Saksak*
Counsel: *Henzler Vira for the Claimant*
No appearance for the Defendant (S. Kalsakau)

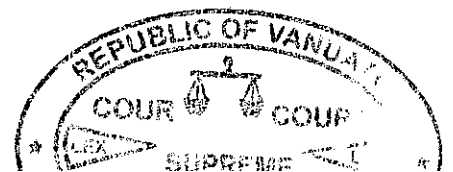
Date of Hearing: *27th June 2024*

DECISION

1. This matter has been adjourned since it was first listed on 19 March 2024 for reasons of illhealth and old age of both the claimant and defendant.
2. It was last adjourned on 27 May 2024 when both Mr Livo and Mr Kalsakau attended. Mr Livo has now left the Public Solicitor's Office and Mr Vira has taken carriage of the case.
3. Today only Mr Vira and the claimant attended in chambers. Mr Kalsakau was contacted by the Court Staff but he did not respond.
4. I gave leave to Mr Vira to proceed in the absence of Mr Kalsakau.
5. Mr Vira referred the Court to the application filed by the claimant on 18 December 2023 together with a sworn statement in support on 19 December 2023.
6. Service was done by John Sam of the PSO on 6 February 2024. Proof of Service was filed on 6 February 2024.



7. Since 6 February 2024 to date, the defendant has not filed any response and/or defence to the application which simply seeks an order to revoke the Letters of Administration granted to the defendant on 19 October 2007, and to grant letters of administration instead to the claimant.
8. The defendant deposed to a sworn statement in Probate Case 13/2007 in support of his application for administration.
9. In paragraph 5 he deposed that the persons entitled to the deceased's property are himself and his brother, the claimant. The value of the property was estimated to be VT20,000,000.
10. In paragraph 8 the defendant deposed that he would administer the estate according to law if administration was granted.
11. The claimant now complains that his brother has not done as he deposed to on oath.
12. Mr Vira submitted the orders sought in the application should be granted.
13. The application is unchallenged. I therefore allow it and grant the orders sought as follows: -
 - (a) The Letters of Administration granted to Kalpokor Kalsakau, the defendant on 19 October 2007 is hereby revoked.
 - (b) Letters of Administration in the estate of the late Makau Jack Kalsakau be hereby granted to Ian Kalsakau, the claimant.
 - (c) The consequential effect of this revocation order is that the name of Kalpokor Kalsaksau currently appearing in the Advice of Registration for the Transmission of Leases 12/0911/090, 12/0911/116 and 12/0911/094 shall be rectified by the Director of Lands pursuant to the Director's powers in



Section 99 in conjunction with Section 100 of the Land Leases Act [Cap. 163] by removing same and replacing the defendant's name with the name "IAN KALSAKSAU".

(d) The rectification shall be made by the Director within 28 days from the date hereof.

14. The defendant shall pay the claimant's costs of the application on the standard basis as agreed or taxed.

DATED at Port Vila this 27th day of June 2024.

BY THE COURT


OLIVER A. SAKSAK

Judge

