

**IN THE COURT OF APPEAL
OF THE REPUBLIC OF VANUATU**
(Appellate Jurisdiction)

Civil Appeal
Case No. 16/3818 CoA/CIVA

**BETWEEN: CHIEF IAU KAMJI
CHIEF JOEL IAU
TARI KAMJI
MAXIME SAM NEUOH
CHIEF NAKOU NIAHI
CHIEF DAVID HOSEA**
Appellants

**AND: FAMILY NAMRY
JIMMY NAMRY
TAIN NAMRY
IASWI NAMRY
JEFFREY NAMRY**
Respondents

Coram: *Hon. Justice Vincent Lunabek
Hon. Justice Oliver Saksak
Hon. Justice John Mansfield
Hon. Justice Ronald Young
Hon Justice Mary Sey
Hon. Justice Paul Geoghegan
Hon. Justice David Chetwynd*

Counsel: *Mr. R. Kapapa for the Appellants
Mr. T. Joe Botleng for the Respondents*

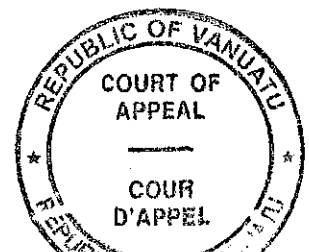
Date of Hearing: 3 April 2017

Date of Judgment: 3 April 2017

MINUTE OF ORDERS

By consent, the Court orders

1. The appeal is allowed and the order of the Supreme Court made on 21 October 2016 refusing the Appellants leave to appeal out of time from the decision of the Magistrate Court made on 10 February 2016 is set aside.
2. In place of the said order of the Supreme Court, the Appellants are given leave to appeal out of time to the Supreme Court from the said decision of the Magistrate Court 31 March 2016, to the intent that the Notice of Appeal filed in the Supreme



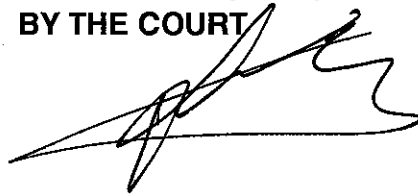
Court on that date stand as the Notice of Appeal from the said decision of the Magistrate Court.

3. The Appellants pay to the Respondents costs of this appeal and of the application in the Supreme Court for leave to appeal out of time, fixed at VT50, 000.

The Court notes that the effect of the orders by consent is that the Supreme Court will now proceed to hear and determine the appeal from the Magistrate Court.

DATED at Port Vila this 3 day of April, 2017.

BY THE COURT



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Hon. Vincent Lunabek
Chief Justice

