

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

**Civil Appeal  
Case No. 18/2094 CoA/CIVA**

**BETWEEN: Bensive Tosu**  
**Appellant**

**AND: The Republic of Vanuatu**  
**First Respondent**

**AND: Perei Falao and Family**  
**Interested Party**

*Date of Mention :* 13<sup>th</sup> day of February, 2019 at 9:00 AM

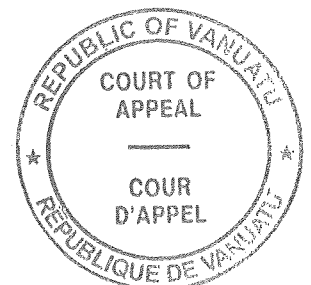
*Before:* Chief Justice Vincent Lunabek  
Hon Justice John von Doussa  
Hon Justice John William Hansen  
Hon Justice Oliver Saksak  
Hon Justice Gustaaf Andrée Wiltens  
Hon Justice Stephen Felix

*In Attendance:* No appearance for appellant  
Sammy Aron for Respondent  
No appearance for Interested Party

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**MINUTE**

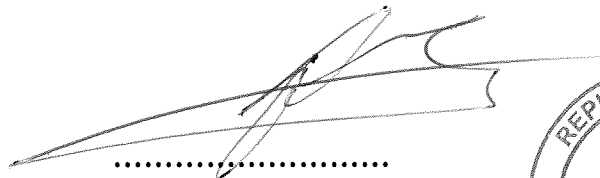
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1. At the Call over on Monday 11<sup>th</sup> February Mr Stephen Joel was not present. The Court adjourned the case to be called for mention on 13<sup>th</sup> February 2019 at 9:00am. The Court noted Mr Joel had not filed any papers as directed on 9<sup>th</sup> October 2018. The only papers Counsel filed was the Notice of Appeal filed on 3<sup>rd</sup> August 2018.
2. At the Call-Over conference only Mr Aron appeared for the Republic and Mrs Nari for the Interested Party. The Court indicated to Counsel that Mr Joel would need to be present on the next date and to file the papers as directed.
3. Only Mr Aron appeared at the mention. Mr Aron informed the Court a Notice of Discontinuance had been served on him. There was no copy served on the Court.
4. In the circumstances, the appeal is simply dismissed.

**DATED at Port Vila this 13th day of February, 2019**

**BY THE COURT**



**Vincent Lunabek**  
**Chief Justice**

