

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

**Civil Appeal
Case No. 23/240 COA/CIVA**

BETWEEN: PEAU MATUA
Appellant

AND: IOUIOU NANGAL WILLIAM and FAMILY
Respondent

Before: *Hon. Chief Justice V Lunabek
Hon. Justice J Mansfield
Hon. Justice R Young
Hon. Justice D Aru
Hon. Justice VM Trief
Hon. Justice EP Goldsbrough*

Counsel: *J Kaukare for the Appellant
E Molbaleh for the Respondent*

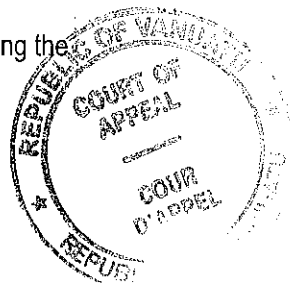
Date of hearing: *9 May 2023*

Date of Decision: *9 May 2023*

ORDERS BY CONSENT

1. To the extent necessary, the Appellants are given leave to appeal from the judgment of the Supreme Court given on 23 February 2023;
2. The appeal is allowed;
3. The orders of the Supreme Court made on 23 February 2023 are set aside.
4. (a) The appeal to the Supreme Court is allowed to the extent that the order of the Magistrate's Court made 21 October 2022 that the Magistrate's Court would determine the Customary Law to apply by the Tanna Island Court when hearing and determining the relevant customary rights of ownership is set aside;

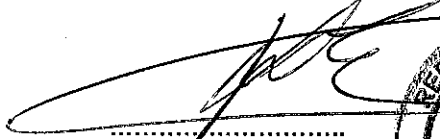
(b) The orders of the Magistrate's Court made on that date allowing the appeal and directing the matter be reheard by a differently constituted Island Court stand;



5. There be no costs of this appeal or of the appeal to the Supreme Court.

Dated at Port Vila, this 9th day of May, 2023

BY THE COURT


.....
Hon. Chief Justice V Lunabe

