

IN THE BANKS/TORRES ISLAND COURT CIVIL CASE NO 2917 OF 2021
OF THE REPUBLIC OF VANUATU

.....
(Civil Jurisdiction)

BETWEEN: RODRICK MOFFET

Claimant

AND: EDDIEN WONA & ANGEL LONSDALE

Defendant

CORAM: *Justice Raymond SIPLAQ*
Justice Leolyn ROSLYN
Justice Keith HOPKINS

Clerk: *Dimas ARU*

DOH: *18th October 2021*
DOJ: *18th October 2021*

CASE: **LOSS CLAIM FOLEM BREACH BLONG AGREEMENT**

JUDGEMENT

Introduction

1. Claimant hemi stap claim from loss folem breach blong agreement we tufala defendant I bin mekem wetem hem.
2. Hemi claim blong tufala defendant's oli responsible folem breach blong agreement ya.

Issue;

3. I gat 3 issue I stap bifo long Court blong hemi lukluk long hem;
 - a) Sapos I gat wan agreement between tufala defendants mo Claimant?

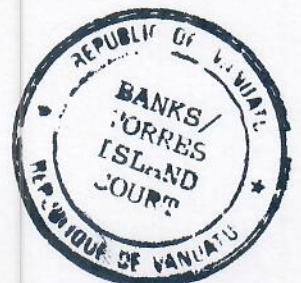


b) Sapos igat breach long agreement, mo ol defendant's nao oli kosem breach ia?

c) Sapos breach ya I kosem loss long claimant?

Claim blong Claimant

4. Claim blong claimant hemi ko olsem;
5. "Long 24th July 2021 (long morning), tufala defendant Eddien Wona wetem de facto partner blong hem Angel Lonsdale oli bin kam luk mi long Nerekasal. Tufala I askem blong iusum speaker blong mi.
6. Fastaem mi bin talem no long tufala. Be taem tufala I talem blong ko lisin long hem long rum blong tufala nomo mekem mi letem long tufala.
7. Speaker ya hemi cost 79,000 Vatu.
8. Long sem day ya yet Eddien Wona wetem sam nara boy oli drong. Mo oli iusum speaker blong mi ya.
9. Around mid-day long sem day ya, igat sam issues I arise we I involvem Eddien Wona.
10. Nao I end up we speaker blong mi I bin damaged.
11. Sem day ya yet (24th July 2021) sam ples long aftanun, two boy oli tekem speaker ya i kambak long mi. Speaker ya hemi totally damaged. I nomo on, mo I nomo singsing.
12. Long next day, mi bin kam blong jekem olgeta blong oli mitim cost blong loss folem breach blong agreement we oli mekem wetem mi.
13. Oltaem taem mi stap luk Eddien, hemi stap kiaman long mi se Friday nomo. Be hemi never kivim wan mani kasem tede.
14. Mi bin traem ol nara effort blong mekem oli mitim loss ya, olsem mi ripotem long Police mo ol Police oli bin luk olgeta be oli no mekem any attempt blong mitim demand blong mi."



15. Claim blong claimant hemi 19,000 Vatu wetem 750 Vatu olsem fee blong tekem case I kam long court. Blong tufala defendant's oli pem.

Response

16. Tufala defendant oli faelem response blong tufala mo oli agree se claim hemi correct.

Appearance

17. Eddien Wona mo claimant nomo oli present long court. Ino gat appearance blong Angel Lonsdale.

Discussions

18. Defendant Eddien hemi representem hem mo Angel, mo hemi plead liable.

Ol Findings blong Court

19. Court I faenemaot se tufala defendant ibin faelem response mo oli agri wetem steitment we I ko agensem tufala. Mo defendant Eddien hemi bin plead liable taem court I askem blong hemi tekem plea.

20. Wetem ol issues we I stap blong court I considarem, hemia nao ol findings blong Court;

a) Sapos I gat wan agreement between tufala defendants mo Claimant?

Yes

d) Sapos igat breach long agreement, mo ol defendant's nao oli kosem breach ia?

Yes

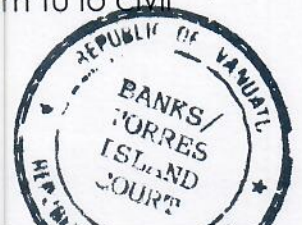
e) Sapos breach ya I kosem loss long claimant?

Yes

Folem ol findings ia, hemia nao hemi decision blong Court;

DECISION

21. Court hemi stap mekem decision se amount we tufala defendants oli liable blong pem bae hemi 10,750 vatu instead blong 19,750 vatu. Hemia from we tufala defendant bae oli rely plante long Eddien, since defendant Eddien hemi gat wan paimen we hemi mas mitim tu lo civil



case No 21/2917. Hemia hemi long view blong court se hem nao hemi olsem sole income earner blong tufala.

22. Therefore, court hemi stap odarem yutufala, Eddien Wona mo Angel Lonsdale blong pem I ko long claimant wan amount blong 10,750 Vatu olsem claim from loss folem beach blong agreement.

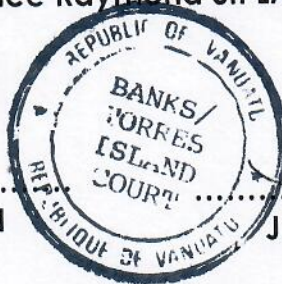
23. Sapos anywan we I no agree wetem decision ia, hemi save apil within 30 days long date we judgment ia hemi kamaot.

Dated long Sola- VANUA LAVA, this 18th October 2021

BY THE COURT


.....
Justice Raymond SIPLAQ


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Justice Leolyn ROSLYN




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Justice Keith HOPKINS