

**IN THE TONGOA/SHEPHERDS ISLAND COURT OF
THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil Case no. 18/1958 IC/ CHFL

BETWEEN: MCKOY MARANGO
Claimant

AND: WILSON BEN
Defendant

JUSTICES:

James Manasakau
James Willie
Esly Pakoa

CLERK: Joel Jacob

DATE OF CONFERENCE: 2nd September 2022

DATE OF HEARING: 5th September 2022

DATE OF DECISION: 6th September 2022

VENUE: Morua Court House

MATTER: DISPUTE OVER CHIEFLY TITLE NAME "MALESU-MATA"

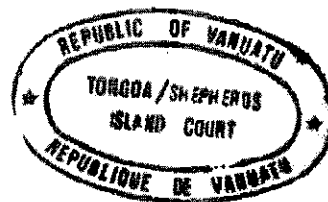
JUDGMENT

Brief Background:

Keis we hemi stap in front long kot ia hemi lodge by Mckoy Marango. Kot ia ibing sidaon from finis mo putum wan decision be claimant hemi no satisfy and hemi exercisem right blong hem iapilim ikasem long Supreme kot. Claimant hemi bilif se full decision blong supreme kot dated 8th February 2022 nao hemi wan evidence we kot ia imas rely long hem mo kivim hem nem ia Malesumata. Tingting ia nao imekem se kot ia hemi sitaon today blong arem keis ia pakeken.

Issue:

1. Why nao supreme kot hemi directem kot ia blong mas arem keis ia pakeken? Folem ol wanem risens?
2. Hemi tru se Mckoy Marango nao hemi raet man blong karem nem ia Malesumata? Folem ol wanem risens?



Conference

Inside long conference wetem tufala parties, claimant hemi stresem out se kot ia hemi kot of law mo inid blong isotemaot nomo wetem defendant hemwan long wan peaceful way from hemi olem wan judgement finis istap we isoemaot se hem nao hemi true Malesumata (supreme kot judgment). Hemi koet mo talemoat se family tree nao hemi wan mein tingting we supreme kot hemi askem long island kot blong mas lukluk plante long hem. Lastly hemi confirmem pakeken se issue ia hemi bitwin tufala party ia nomo long nakamal blong tufala and tufala isave solvem wetem tufala nomo. Hemi agree long kot ia se bae hemi proceed on wetem family tree nomo mo inokat risen why bae hemi usum ol witness blong hem?

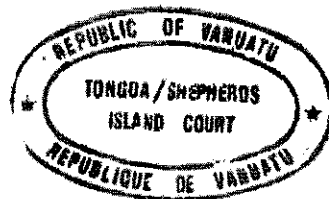
Long narasaet storian, Defendant hemi talem se hem ikat witniss mo witniss blong hem ia bae ikam blong witnissim family tree nomo. Therefore hemi stap askerh long kot ia blong imas kat full trial long family tree ia. Hemi koet mo talem se bae itokbaot full document blong hem be mbae ibase plante nao long family tree.

After long conference hearing, kot ia itekem tingting blong tuketa parties mo decide se bae kot ia ifocus long family tree nomo. Mbae ikat sam areas we kot ia mbae l alaowem blong tufala parties itoktok long hem nomo, sipos storian hemi link iko long family tree.

Presentation

Claimant hemi presentem keis blong hem mo talemaot se kot ia hemi tekem hem longfala rod ikam kasem long today hemi ting se bae defendant iacceptem blong tufala isotemaot insaet long conference be defendant ino wantem. Hemi se long governing system blong wan jif, ikat 3 part long hem, (a) Nawimba, (b) green pidjin mo (c) nalaklak. Hemi exprem hem wan se today, oli mixim system ia from hemi issue blong tufala nomo we tufala isave stretem wetem tufala but defendant hemi no wantem.

Hemi proceed on wetem family tree blong hem se pupu blong hem nao, oli ronem hem long Rafenga village taem we hemi olem tufala title ia nem ia, (a)Masoenua mo (b) Malesu. Hemi askem kot ia blong no lus focus from hemi se judgment blong supreme kot ia hemi kivim inaf evidence finis blong kot ia isave mekem wan decision long hem. long family tree blong hem, hemi se hem ikamaot long Nakimau Malesu. Hemi bonem 4 pikinini ikat; Leimatuk, Teriki Malesu, Mou mo Marango Manaroto. Marango Manaroto istap wetem Leisandia Sina. Long taem ia, oli ronem grand father blong claimant iko stap andap long hill wetem Alice mo Leipakoa mo long reign blong hem andap, oli odainem hem long nem ia Malesumata long Urata, Pele village. Taem grandfather blong claimant hemi maretem second wife, hemi kat 3 pikinini, ikat Norah, Seule mo Leimala we hemi ded wetem pikinini blong hem. Claimant ikoet mo talem se folem Susu, imekem se ol pikinini ia oli kambak long Rafenga village. Long

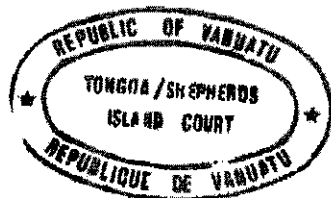


last toktok blong Mckoy Marango, hemi talemaot se peace imas stap long Rafenga village from hemia nao hemi wantem.

Long cross examination question, hemi talemaot se long Rafenga village, ikat Seule Maratonga nomo be Lokin nao italem se ikat Seule Marango we hem i blood long hem. Hemi further talemaot se Lokin, Serah mo Karie, oli no pikinini blong Marango Malesu from Marango Malesu we istap wetem fes woman blong hem tufala ikat 2 girl norno and wetem second woman blong hem, hemi jes bonem Seule. Hemi riconfemem pakeken se papa blong Lokin hemi no Marango Malesu.

Long narasaet storian, defendant (Wilson Ben), hemi talemaot se since long childhood blong hem ikam kasem papa blong hem, ineva kat dispute. Taem papa blong hem ided nao, dispute ijes rise. Hemi challengem dispute ia long Tongoa counsel of jifs, Tongoa island kot, magistrate kot, supreme kot mo today hemi stap long island kot pakeken. Hemi mensenem se blong yu kam wan jif yu mas folem sam kastom criteria mo hem nao hemi qualify long criteria ia. Mckoy hemi no qualify from hemi no odain long any criteria. Defendant hemi stap talemaot se Seule Maratonga hemi blong pele long Namuri mo hemi acting Malesu, taem we Teriki ided. Mo tu, ol apu blong hem oli aetem, oli no wantem talemaot long olketa se Seule Marango hemi kamaot long Willie Manasusui. Long family tree blong hem, hemi stresemout se fes woman blong Marango Malesu (Leisandia Sina) hemi bonem Alice, Leipakoa, Lokin, Serah mo Karie be second wife blong hem (Leipakoa Leitava) hemi bonem Norah, Leimala mo Seule we ikamaot long difren papa (Willie Manasusui).

Taem kot hemi cross examinatem defendant, italemaot se hemi aetem sam long ol nems ia long lo family tree lo ol fes kot from ino wantem expose olketa lo public. Hemi se Seule Maratonga hemi blong varea lapa be Seule Joel nao hemi pikinini blong Marango Malesu wetem second wife. Long confirmation blong hem, hemi se claimant wetem ol ankle blong hem oli stap perfomem nasautonga iko long farea lapa from hemi folem blood line blong olketa tru long Seule Maratonga we hemi brata blong pupu blong claimant we ikam long Rafenga village. Hemi koet mo talemaot se long odination blong hem, hemi stanap long mat taem we papa blong hem ided mo Lankeriki nao hemi olem hed mo singaotem nem blong hem lo foret blong ol paramount jif. So, criteria ia nao imekem se hemi qualify long nem ia. Hemi se, stanap long sick bed, pasem wan object mo kivim wan kakae ino folem nating custom fasin blong pasemout wan title. Be hemi admitim se hem nao iko pasemout coat long papa blong Mckoy lo risen se bae papa blong Mckoy hemi care taker nomo long nem ia Malesumata. Lastly, Wilson Ben imensenem se Masamorimata nao istap odainem Malesumata mo last odination blong hem i perfomem long late papa blong hem, Ben Alfred.



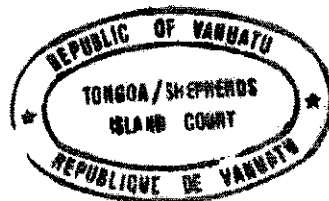
Witness blong defendant Marango Noel Malesuroto hemi talem se family tree blong Wilson Ben hemi tru everyone mo long family tree ia nao, istap certifaem se tufala man ia Wilson mo Mckoy tufala ikamaot long one blood nomo we hemi blood blong Malesumata. Hemi concludum mo talem se since long pupu blong olketa bifo, nem ia ineva dispute. Today nao ijies kat raorao long nem ia.

Taem kot hemi cross examinatem hem, hemi se Seule Marango hemi no pikinini blong Marango Malesu. Hemi stap rejectem family tree blong claimant mo acceptem se family tree blong defendant nao hemi tru. Mo hemi se sipos apu woman blong hem istap wan boy, bae hem nao isud karem title nem ia Malesumata. Taem kot ia iaskem long hem pakeken, hemi se long every kot oli stap talem se Seule hemi pikinini blong second wife blong Marango Malesu. Witness hemi admitim tu se hemi no save kud family tree blong Willie Manasusui mo tu hemi no save nem blong any sista blong Seule Marango. Hemi save nomo se hemi bin ordain long wan jifly title long Rafenga, jifly taetel ia hemi bloodline blong paramount jif ia Malesumata. Mo tu hemi witnessim ordination long ded blong ben Alfred taem we jif Pakoa Lankeriki hemi performem long Wilson Ben. Taem we hemi tokbaot Seule, hemi se Seule ibing odain long wan jifly taetel long Rafenga mo jifly taetel nem ia hemi Malesumori. Lastly, defense witness hemi talemaot se hem ino save se who nao ikivim nem ia Tom Lokin Malesu long Tom Lokin. Defense witness ino save tu se wanem jif nao istap odainem Malesumata bong Rafenga village.

Long re-examination question, witness italemaot se apu blong hem Alice hemi singaotem sister long Serah mo brata long Lokin and Karie. Risen ia nao imekem se Lokin mo Karie oli ko pulum papa blong hem Willie Kalia ikam kostap long Rafenga. Hemi concludum se Masamorimata nao hemi stap odainem jif Malesumata.

After long presentation blong tuketa parties, kot ia hemi faenemaot se;

1. Seule Maratonga mo Seule Marango hemi wan man nomo be tufala parties iusum 2 different kind nem blong singaot long hem
2. Claimant italemaot se Leisandia Sina ikat 2 girl nomo, ino kat boy
3. Mckoy italem se papa blong Lokin ino Marango Malesu olsem we Defendant italem
4. Claimant istap confirmem tu se sipos tufala iblood blong nem ia, tufala nomo ikat raet blong stretem issue ia between tufala from long governing system blong wan jif, ikat 3 part long hem, ikat (a) Nawimba (b) green pidjin mo (c) Nalaklak.
5. Ol witness blong claimant mo defendant oli no save stap kwaet blo witness or sapotem statement blong wan party. Sam witness oli witness blong claimant then oli aot oli ko witness blong defendant pakeken isemak long defendant. Istap

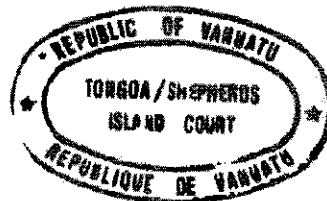


soemaot se inokat peace or settlement long heart blong olketa from nem ia Malesumata.

6. Pupu blong claimant nao oli ronem hem long Rafenga village, mo long taem ia, hemi olem 2 taetel istap; (a) Masoenua mo (b) Malesu
7. Lokin we Wilson Ben istap klemem se ikamaot long hem, claimant (Mckoy) italemaot se Lokin ia ikamaot long Varealapa long Lumbukuti village be ino long Marango Malesu olsem we defendant italem.
8. Dispute long nem ia ijies rise after long ded blong papa blong defendant.
9. Dispute long nem ia ipass tru long 4 difren level blong kot. Mo long Island kot we today tufala parties iwitnisim, hemi 2 taem nao we island kot hemi arem keis ia.
10. Ikat certain criteria blong yu mas pass tru long hem blong kam wan jif; (a) stanap lo mat (b) kilim pig (c) fes bon son (d) bloodline blo jifly taetel (e) odain lo nakamal
11. Taem Teriki ided, Seule Maratonga blo Pele lo Namori nao hemi acting long nem ia Malesumata
12. Taem ol apu blong tufala parties oli laef istap, oli aetem family tree we Seule Marango ikamaot long hem we stret papa blong hem nao hemi Willie Manasusui
13. Claimant ikamaot long second wife blong Marango Malesu mo defendant ikamaot long first wife blong Marango Malesu
14. Defendant istanap long mat blong late daddy blong hem mo ordination itekem ples long foret blong fulap paramount jif
15. Nem ia Malesumata, Masamorimata nao istap odainem hem
16. Oli odainem Marango Malesu long Pele, Urata
17. Marango Malesuroto, witniss blong defendant hemi confirmem pakeken se tufala parties ia oli stret bloodline blong Malesumata be from nomo se Seule Marango hemi blo difren papa.
18. Hemi confirmem pakeken se hem tu istap long taem ia we defendant istanap long mat mo odination itekem ples. Hemi save kud, se Malesumori nao hemi jifly taetel nem we hemi blong Seule Marango mo claimant nao hemi kat full raet long nem ia.

Kot hemi tekem real issue ikam long stret fasin bong kastom blong yumi;

1. Fes bon nao ikat raet blong olem wan taetel.
2. Sipos man ikat 2 woman, fes woman nao hemi recognize be sipos fes woman inokat wan boy, boy blong seken woman nao isave karem title.
3. Long issue ia, Marango Malesu ikat 2 woman. Fes woman hemi bonem Lokin, mo seken woman i bonem Seule.

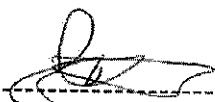


Folem olketa findings ia mo how yumi applaem ikam long kastom principal blong Tongoa especially ol jifly issues, hemia nao hemi order blong kot long jifly taetel nem ia "Malesu-Mata".

ORDER

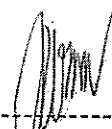
1. Mckoy mo Wilson, yutufala i bloodline blong jifly taetel ia Malesumata
2. Wilson Ben, yu kamaot long Lokin Marango. Yu no blong Lumbukuti village olsem we Mckoy Marango istap talem se yu kamaot long hem
3. Mckoy Marango, yu kamaot long Seule Marango. Yu no blong Purao village olsem we Wilson Ben italem se yu kamaot long Willie Manasusui blo Purao
4. Mckoy yu kamaot long second wife blong Marango Malesu we hemi Leipakoa Leitava. Wilson yu kamaot long fes wife blong Marango Malesu we hemi Leisandia Sina
5. Wilson Ben, yu nao yu stret title holder blong nem ia Malesumata bong Rafenga village
6. Mckoy Marango, yu nao yu stret assistant jif blong taetel nem ia Malesumata blong Rafenga village
7. Tuketa parties imas performem wan custom reconciliation wei every head jifs blo Rafenga oli witnisim mo bae arrangement blo reconciliation ia hemi stap long hand blong yutufala bifo namba 6 October 2022. Reconciliation ia hemi blo mekem kud face blo every families mo blong mekem yutufala ilukim save responsibilities we utufala ikat long Rafenga village.
8. Yu we yu no klad long decision ia, yu kat 30 days blong apil iko long Magistrate kot stat today 6th September iko kasem long 6th October 2022.

Dated long Morua kot aos, Tongoa Island this 6th September 2022.

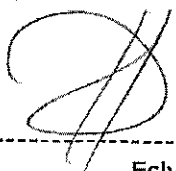


James Manasakau

BY THE COURT



James Willie



Esly Pakoa

