

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

**Civil  
Case No. 20/2899 SC/CIVL**

**BETWEEN: Douglas Tasaruru**  
**Claimant**

**AND: SSP Limited**  
**Defendant**

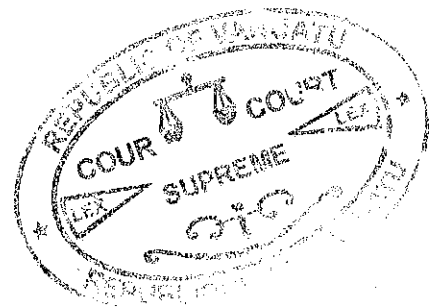
**Date of CONFERENCE:** *12th day of February, 2021 at 10:00 AM*  
**Before:** *Justice Oliver Saksak*  
**In Attendance:** *No appearance for Claimant*  
*Mr Glen Niowenmal in person for Defendant*

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**DECISION**

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1. This is the second conference held in relation to the progress of this case.
2. On 19<sup>th</sup> November 2020 the Court called the case for first conference after a Notice dated 18/11/20. No parties or counsel attended.
3. The Court directed the matter be adjourned to 4<sup>th</sup> December 2020 and that the claimant file proof of service of his claim by 27<sup>th</sup> November 2020.
4. The matter did not proceed on 4<sup>th</sup> December.
5. Mr Bal filed a notice of ceasing to act for the claimant on 14<sup>th</sup> December 2020.
6. The matter was relisted by Notice dated 8/02/21 for 10:00am today.
7. Only the representative of the defendant is present. I enquired from Mr Niowenmal whether the company has had service of the claim. Mr Niowenmal said there has been no



service He only received a letter in August 2020 from Mr Bal. He said the allegations made are denied. Mr Niowenmal asked orally for an order to dismiss the claim.

8. I accept the request for the following reasons. First the claim was filed on 21<sup>st</sup> October 2020. It has not been served. A claim that is not served on a defendant within 3 months is no longer of any effect. See Rule 5.3 (1) and (2).
9. Secondly, the claimant has filed a defective sworn statement deposed to by Lambert Maltock instead of himself.
10. The claims and proceeding are hereby dismissed.
11. There is no order as to costs.

**DATED at Port Vila this 12th day of February, 2021.**

**BY THE COURT**

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**Oliver Saksak**  
**Judge**

