

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

**Matrimonial**  
**Case No. 18/2764 SC/MTRM**

**BETWEEN: Louisa Alfred**  
*Petitioner*

**AND: Kalo Emak**  
*Respondent*

**Coram:** *Justice Aru*  
**Counsel:** *Mr. L. Moli for the Petitioner*  
*Mr. A. Bal for the Respondent*

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**JUDGMENT**

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**Introduction**

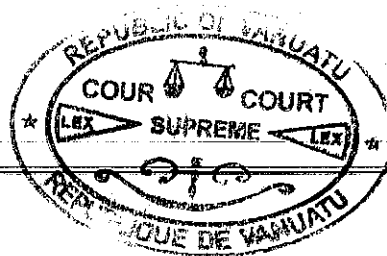
1. The Petitioner Ms Louisa Alfred filed her amended petition for dissolution of marriage on 29 June 2020 seeking orders that her marriage to the respondent Kalo Emak be dissolved.

**Background**

2. The petitioner is from TORBA province and the respondent is from Tanna. Their marriage was celebrated on 24 June 2003 on Tanna at Lamnatu Seventh Day Adventist Church. The couple lived together for 12 years and had 6 children who are now all adults.

**Grounds**

3. The petitioner is seeking a dissolution of their marriage on the basis that since their marriage the respondent has persistently treated her with cruelty.

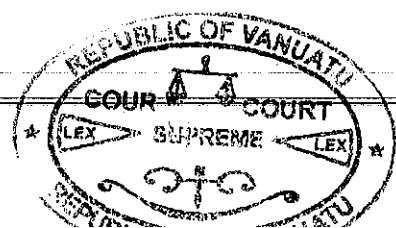


## Discussion

4. The evidence filed by the petitioner is that following their marriage when she became pregnant, she was not allowed by the respondent to seek medical attention during per pregnancies and gave birth to all her children at home. She delivered her first child a daughter alone by herself at home. He prevented her from getting medical attention for herself and her children until they were all grown-ups. She was forced to be treated only with traditional medicine.
5. In 2008 and 2009 she was left to fend for herself to feed her children when the respondent went and stayed in another village. He told her in a meeting that she should return to her parents but his families refused. In 2011 the respondent left Tanna to do seasonal work in New-Zealand and never return to Tanna. On returning from overseas he remained in Vila. The Petitioner followed him to Port Vila and found out he was in a relationship with another woman when she saw him giving her money. He got violent and abusive when she enquired of him. The respondent assaulted her from time to time and told her to move out and find some where else to stay as he had found another partner.
6. When she moved out in 2015 the respondent got angry and assaulted her with three of his relatives and prevented her from seeking medical assistance or reporting the matter to the Police. Around the same time she was able apply for restraining orders against him. The orders were issued by the Magistrate Court in **Violence case No 367/15**.
7. The respondent has not filed any sworn statement in response despite being directed to do so on 8 September 2020 and again on 9 March 2021.
8. The matter was listed for trial today. The respondent has not filed any evidence. The parties agreed to be heard in chambers. Counsel for the respondent conceded they were given enough time to take instructions and they haven't done so. And they do not dispute the amended ground for the petition and have not filed any evidence. Based on the evidence filed and referred to above Mr Moli submitted that judgment should be entered summarily.

## Result

9. On the basis of the evidence filed, I find that the ground for persistent cruelty is made out . The following orders are now issued:-



- a) Judgment is entered for the Petitioner .
- b) The marriage entered on 24 June 2003 is dissolved. The Decree Nisi is now issued.
- c) The Decree Absolute will be issued three (3) months from today.
- d) No order as to costs.

**DATED at Port Vila this 19 day of April, 2021  
BY THE COURT**

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**D. ARIE**  
Judge

