

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

Civil Enforcement
Case No. 19/2587 SC/Civil ENF

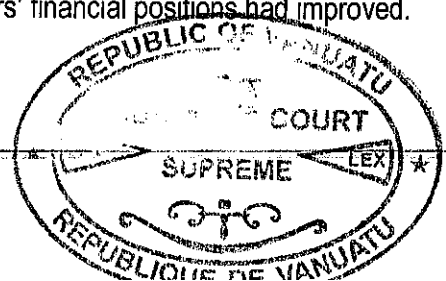
BETWEEN: Gerald and Bernard Lauto
Judgment Creditor

AND: Kalotip Robert, Mark Kalmet, Allen
Kalon and Pierre Onel
Judgment Debtors

Date: 4 May 2021
Before: Justice G.A. Andrée Wiltens
Counsel: Mr R. Rongo for the Judgment Creditor
Mr L. Napuati for the Judgment Debtors

Judgment

1. This was an application by the judgment creditor for contempt orders to be made due to the alleged failure by the judgment debtors to comply with certain Court orders dated 20 June 2019.
2. The application was defended. As part of the defence, Mr Napuati had filed a sworn statement by Mr Kaltack appending a subsequent Court order dated 10 March 2020.
3. The original order indicated that a large sum was outstanding, in the order of VT 27 million.
4. The later order made mention only of VT 83,980 being outstanding. This order included a statement to the effect that the judgment debtors had been examined and were found to be unemployed and only receiving a share of rent as lessors. This order concluded there was nothing further the Court could do, but provided for liberty to the judgment creditor to bring the matter back on if it was established that the judgment debtors' financial positions had improved.



5. Mr Napuati advised that in fact the judgment debtors' financial positions have worsened in the interim, not improved.
6. This application was misconceived. If contempt orders were to follow, regard had to be taken of the later Court orders, not the original orders. The judgment debtors have not been shown in any respect to have failed to comply with the later Court orders. Accordingly, they are not in contempt.
7. The application is dismissed.
8. Costs are set at VT 10,000. They are to be paid within 21 days.
9. This file is now closed.

Dated at Port Vila this 4th day of May 2021
BY THE COURT

Gandra Uela

Justice G.A. Andrée Wiltens

