

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

**Land Appeal**  
**Case No. 20/773 SC/LNDA**

**BETWEEN: Peter Mansop**  
*Appellant*

**AND: Isaac Worworkon & Family**  
*Respondent*

**Coram: Justice Aru**  
**Counsel Mr. D. Yawha Appellant**  
**Mr. J. Temar for the Respondent**

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**JUDGMENT**

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**Introduction**

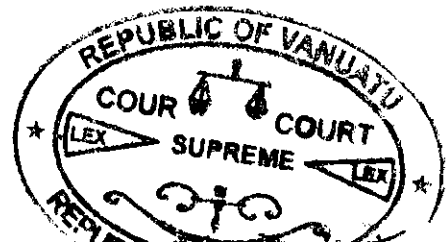
1. This land appeal concerns land at Ranon, North Ambrym.

**Background**

2. The notice of appeal is dated 3 December 1996 and was also filed on that date as Land Appeal Case 044. The grounds of appeal is not dated but registered as Land Case No.003 of 1994. These two documents were brought to the attention of the Court sometime in 2018 as Mr Yahwa filed his notice of beginning to act on 20 September 2018 .The appeal is currently registered as Land Appeal Case No.773 of 2020.
3. The Judgment appealed was delivered on 4 November 1996. It made the following declaration as to custom owners of land between Tolawelvanto creek and Liptaviu creek:-

*“d) The Court is satisfied that family Jimmy Sak, (including Aro and Peter Mansop): Family Worworkon: Family Thomas Gem Gem and family Magalili are perpetual custom owners of the land between Tolawelvanto creek and Liptaviu creek.*

*e) Their rights include the right to grow crops, make gardens, build houses and live on the land.”*



4. The Island Court declared the appellant and respondent as joint custom owners of the land with others. Following, this judgment, the appellant lodged this appeal. He then without the knowledge of the other joint custom owners obtained and registered two leases over the declared land namely lease title 08/0141/001 and 08/0134/002. The registration was also obtained without informing the Director of Lands that he had a appeal pending. The registration of the two leases were successfully challenged in **Worwor v Estate of Mansop** [2015] VUSC 57 and orders were issued for their cancellation. The Court then noted that the appeal was withdrawn. The decision was not appealed.
5. The appellant is deceased and the original case file was lost in the former Supreme Court building fire of 2007 and so there are no records of the proceedings in the Island Court. This probably explains why this appeal was resurrected only recently and is being pursued by Jimmy Mansop, the appellant's son.

#### Discussions

6. Mr. Yahwa confirms the Island Court file was destroyed with all the records of the Island Court Proceedings. He indicated that the appeal has been frustrated by the lack of records and cannot be pursued and that the matter be heard afresh.
7. The respondents maintain that the appeal was withdrawn and that judgment of the Island Court be maintained as it declared both parties as custom owners of the land with others. They also filed a sworn statement of Willie Walter to say that the parties have reconciled their differences in custom with the sons of the appellant to show that they are one family and are from the same nasara. This was not denied by the appellant.

#### Result

8. This Court has recognized that the appeal was withdrawn and that was not appealed. The parties remain joint custom owners of the land. Coupled with the lack of records and the reconciliation of the parties this appeal is now dismissed.

DATED at Port Vila this 19 day of August, 2021

BY THE COURT OF VANUATU

D. Aki

Judge

