

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

**Civil Case No. 20/2430**

**BETWEEN: Gilbert Pointy**

*Claimant*

**BY: Prosper Pointy, Jonas Jacob, Micah Jacob,  
Johnny Tabuna, Stanley George**

*Defendants*

**Date of Hearing:** *6<sup>th</sup> day of October 2021*  
**Before:** *Justice Oliver.A.Saksak*  
**In Attendance:** *Mr John Malcolm for Defendants*  
*No appearance for Claimant ( Rollanson Willie)*

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**DECISION**

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1. The defendants filed an application for show cause pursuant to Rule 18.11 on 29/09/21. It was listed for hearing on 30/09/21. However it was adjourned on that date because (a) Mr Willie was not available and (b) there was no proof of service. The application was adjourned to today( 6/10/21).
2. When the case was called at 8:40am this morning, Mr Willie again was not available. He had been contacted by my associate, Ms Donald but he could not be reached.
3. Mr Malcolm filed proof of service on 4/10/21 by Kupa Turriss showing service on 30/09/21.
4. I am satisfied there has been sufficient service on the claimant's counsel.
5. It is clear the claimant has failed to comply with the clear orders of 20<sup>th</sup> July 2021 which required him to file and serve sworn statements by 9/08/21.
6. The defendants seek an order that the proceeding be dismissed with costs on the standard basis as agreed or taxed.
7. Accordingly the claim and proceeding are dismissed.
8. I order the claimant to pay the defendants costs on the standard basis as agreed or taxed.
9. The case is to be removed from the register and the file be closed.

**DATED at Port Vila this 6<sup>th</sup> day of October 2021**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**