

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

**Civil**  
**Case No. 19/2651 SC/CIVL**

**BETWEEN: Frederick Abet**  
Claimant

**AND: Shefa Provincial Council**  
First Defendant

**AND: Republic of Vanuatu**  
Second Defendant

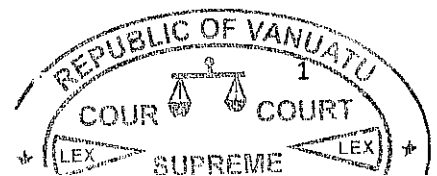
*Date of Trial:* 24 August 2021  
*Before:* Justice V.M. Trief  
*In Attendance:* Claimant – Mr J.I. Kilu  
First Defendant – Mr J. Tari  
Second Defendant – Mr L. Huri  
*Date of Decision:* 29 October 2021

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**DECISION AS TO COSTS**

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1. The Claimant Frederick Abet sought payment of rents and mesne profits for premises occupied at Rovo Bay, Epi island as well as damages. The Claim was opposed by both the First Defendant Shefa Provincial Council (the 'Council') and the Second Defendant the State.
2. I conducted a trial in this matter and then published the Judgment dated 13 September 2021.
3. I stated for the reasons given in the Judgment that I was minded to order that Mr Kilu personally pay half of each Defendant's costs of the proceeding. Therefore in accordance with r. 15.26(3) of the *Civil Procedure Rules*, I required Mr Kilu's written response by 4pm on 13 October 2021 as to why half of each Defendant's costs of the proceeding should not be personally paid by Mr Kilu.
4. Mr Kilu has not filed a written response. When followed up by my Secretary, he stated that his client was attempting to find the money to file an appeal.
5. I consider that I should decide the question of costs so that all matters can be dealt with on appeal as required.



6. My decision as to costs is:

- i) For the reasons given in the Judgment dated 13 September 2021, it is ordered that Mr Kilu is to personally pay half of each Defendant's costs of the proceeding as agreed or taxed by the Master. Once set, the costs are to be paid within 28 days; and
- ii) The Claimant is to pay the other half of each Defendants' costs of the proceeding as agreed or taxed by the Master. Once set, the costs are to be paid within 28 days.

**DATED at Port Vila this 29<sup>th</sup> day of October 2021**

**BY THE COURT**

*VM Trief*  
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Justice Viran Molisa Trief

