

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

**Civil**  
**Case No. 21/1350 SC/CIVL**

**BETWEEN: Seth Belam**  
Claimant

**AND: Jeffrey Noel, Netty Noel, Janet  
Noel, Jenita Noel**  
Defendants

*Date of Trial:* 8 December 2021  
*Before:* Justice V.M. Trief  
*In Attendance:* Claimant – Mr L. Moli  
Defendants – no appearance (in person)  
*Date of Decision:* 10 December 2021

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**JUDGMENT**

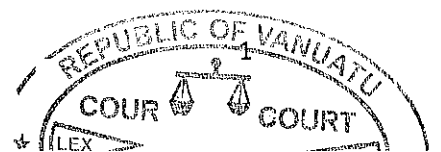
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A. Introduction

1. By the Claim, the Claimant Seth Belam seeks the eviction of the Defendants Jeffrey Noel, Netty Noel, Janet Noel and Jenita Noel from lease title no. 11/OH33/004 (the 'lease') and costs.
2. On 2 August 2021, the matter was set down for trial. Those Orders were served on the Defendants' counsel Mrs Gesa therefore the Defendants were given notice of the trial. On 29 September 2021, Mrs Gesa filed Notice of Ceasing to Act. There was no appearance for the Defendants for the trial.
3. Accordingly, the matter proceeded as a formal proof hearing as the only step taken by the Defendants in relation to the Claim was to file a Response on 20 May 2021. No Defence has been subsequently filed.

B. Evidence

4. On 18 April 2019, the Director of Lands Records registered a transmission of lease no. 11/OH33/004 to Mr Belam who was the surviving joint (now sole) proprietor of the lease. Mr Belam adduced into evidence by his sworn statement, ["**Exhibit C1**"], a copy



of the Lands Registry Advice of Registration of a Dealing in relation to the registration of the transmission of lease.

5. Mr Belam also evidenced that he and the Defendants (his sister and children) reside on the lease however they have repeatedly accused him of stealing the lease escalating to threats and abusive words against him.
6. He has tried to organise meetings to sort out the matter but the Defendants refused to attend.
7. His lawyers the Public Solicitor's Office wrote letters dated 2 November 2020 and 3 December 2020 demanding that the Defendants vacate the land in question. The Defendants have failed to respond and remain on the land.

C. Discussion

8. There is clear evidence of Mr Belam's legal entitlement to the land. He is the registered proprietor of lease title no. 11/OH33/004.
9. There is also evidence that the Defendants occupy the land, and are unwilling to vacate the property.
10. The Claimant has proved his Claim and is entitled to the relief sought.

D. Decision

11. Judgment is **granted**.
12. The Defendants are to vacate lease title no. 11/OH33/004 within 3 months from the date of service of this decision.
13. Costs follow the event. The Defendants are to pay the Claimant's costs which I fix at VT50,000. The costs are to be paid by the Defendants within 28 days.

E. Enforcement

14. Pursuant to rule 14.37(1) of the *Civil Procedure Rules*, I now schedule an Enforcement Conference **at 8.30am on 11 March 2022** to ensure the judgment has been executed or for the Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment must be personally served on the Defendants.

**DATED at Port Vila this 10<sup>th</sup> day of December 2021  
BY THE COURT**

  
Justice Viran Molisa Trief

