

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

**Civil**  
**Case No. 22/2675 SC/CIVL**

**BETWEEN: George David Bule**  
Claimant

**AND: David Willie, Davina David, Peter  
Remon, Donald Berry, Serah Donald,  
Norsie Seule, Sandra Donald, Moise  
Sandra, Evelyne Willy, Kabi Willy,  
Saneleo Joseph, Selly Joseph**  
First Defendants

**AND: Jack Willie, Leipaloe Annie Jack,  
Kalsave Jack, Mariane Jack, Sirelyn  
Jack**  
Second Defendants

**AND: Jimmy Toara, Lewia Jimmy, Lilly  
Jimmy**  
Third Defendants

**AND: Fina Luen, Belma Luen, Joana Luen**  
Fourth Defendants

*Date of Hearing:* 25 July 2023  
*Before:* Justice V.M. Trief  
*In Attendance:* Claimant – Mr B. Livo  
Defendants – no appearance (in person)  
*Date of Decision:* 7 August 2023

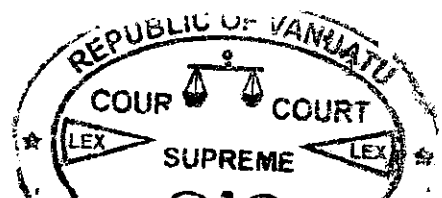
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**JUDGMENT**

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A. Introduction

1. The Claimant George David Bule seeks an order for the eviction of the Defendants from leasehold title no. 12/0431/045 located at Epule area at North East Efate.



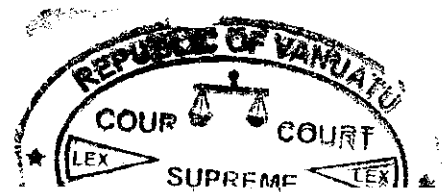
2. The matter proceeded by way of hearing for formal proof of the Claim as no Defence has been filed despite the service of the Claim and of the Court's Orders giving them time to do so and informing them of the date of the hearing.

B. Discussion

3. Mr Bule produced in evidence a copy of the Transfer of Lease and of the Lands Registry Advice of Registration of a Dealing recording that on 23 March 2020, the Director of Lands registered the Transfer of Lease of title no. 12/0431/045 from Roger Japhet to him (Mr Bule) by way of a family transaction.
4. Also produced into evidence was the Public Solicitor's letter dated 29 June 2021 giving the Defendants notice to vacate the land and the letter in response dated 5 July 2021 from Chief Elmo Joseph Manukat.
5. Mr Bule deposed in his Sworn statement filed on 5 April 2023 that he lives on the leased land but there are areas that he fears to go onto because they are occupied by the Defendants who he feels threatened by. All the Defendants have gardens on the land. The First Defendants are milling on the land without his consent. The First Defendant David Willie has built a house and farms 10 cattle on the land without his consent. The Second Defendant Jack Willie lives on the side of his land but has built his house encroaching onto Mr Bule's leased land, without his consent. The Third Defendants erected a fence inside the leased land without his consent and have blocked his access to some parts of the land. The Fourth Defendants have built a house on the leased land without his consent. The Defendants have removed some of his fence posts, destroyed his piggery and stolen his pigs and a calf. He would like the Defendants to remove their farms and gardens so that he can access and develop his land.
6. There is clear evidence of the Claimant's legal entitlement to the land. He is the registered proprietor of leasehold title no. 12/0431/045.
7. The Defendants occupy the land, and despite being given notice to quit, have not vacated the property.
8. The Claimant has suffered loss and distress as a result of the Defendants' occupation of the land. This will sound in an award of damages of VT100,000.
9. The Claimant has proved his Claim and is entitled to the relief sought.

C. Result and Decision

10. Judgment is entered for the Claimant and it is ordered as follows:
  - a) The Defendants, their families and/or agents are to vacate leasehold title no. 12/0431/045, including removing their fencing, houses, personal properties



and garden crops leaving the land vacant, **within 3 months from the date of service of this Judgment;**

- b) The Defendants, their families and/or agents are not to enter onto the Claimant's leased land leasehold title no. 12/0431/045;
- c) The Defendants are, jointly and severally, to pay to the Claimant VT100,000 damages; and
- d) The Claimant is entitled to his costs fixed summarily at VT100,000 to be paid within 28 days of service of this Judgment on the Defendants.

D. Enforcement

- 11. Pursuant to rule 14.37(3) of the *Civil Procedure Rules* ('CPR'), I now schedule an Enforcement Conference at **8.30am on 3 November 2023** 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 and a summons in Form 27 of the CPR must be personally served on each Defendant, and proof of service filed.

**DATED at Port Vila this 7<sup>th</sup> day of August 2023  
BY THE COURT**

*VM Trief*  
Justice Viran Molisa Trief

