

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

CAC
Case No. 23/150 SC/CIVL

BETWEEN: FELICIENNE SAVOIE
Appellant

AND: ODILE SAVOIE
Respondent

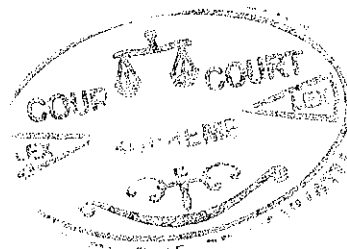
Before: Justice Oliver A. Saksak

Counsel: No appearance for the appellant (Mr Sakiusa Kalsakau)
No appearance for the respondent (Mr Roger Tevi)

Date of Hearing: 15th April 2024

DECISION

1. By order dated 6th February 2024 recording that on 31st January 2024 no parties or Counsel having appeared the Court adjourned the appeal hearing to 15th April 2024 at 9:00am.
2. When the case was called, no parties or Counsel appeared.
3. The appeal was filed on 11th March 2022 against the decision of the Deputy Master dated 20th April 2022. It was filed some 4 months out of the time allowed for appeals in Civil matters.
4. An application to extend time to appeal was also filed on 11th March 2022. The Court heard and allowed the application and granted leave on 16th September 2022.
5. The Court gave directions on that date at the request of Counsel that the appellant file and serve an Appeal Book within 14 days by 29th September 2022 and for the respondent to file and serve responses by 13th October 2022.



6. Ms Stephanie Mahuk acted for the appellant initially by filing the notice of appeal and the application for leave. She ceased acting and Mr Sakiusa Kalsakau took over. For the Respondent, James Tari & Partners initially acted for her but eased acting also and Mr Roger Tevi took on the case for the respondent.
7. The case have been called on several occasions and adjourned because of non-attendance of parties and counsel or because of illness.
8. Of concern is that there has been no appeal books filed by the appellant in compliance with the directions issued on 16th September 2022. And it has been some 19 months which have slipped by and the appellant has not taken any active steps to prosecute her appeal and complying with the Court's directions.

9. There are no explanations given by the appellant or her Counsel why there has been no appearance in Court today and more so, why the Appeal Book as directed has not been filed for the last 19 months.
10. The appeal is therefore dismissed with no order as to costs. Each party is to bear its own costs.

DATED at Port Vila this 15th day of April 2024

BY THE COURT


Hon. Oliver A. Saksak

Judge

