

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

Civil

Case No. 24/1150 SC/Civil

BETWEEN: Johnna Tau
Claimant

AND: Jeremy Alphonse
Defendant

Before: Justice Oliver A. Saksak

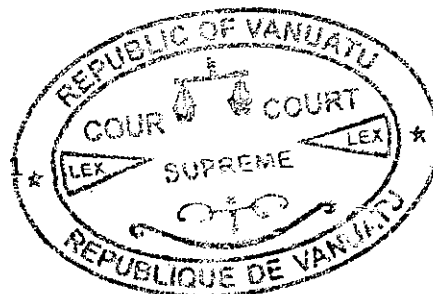
Counsel: Mr Roger Rongo for Claimant
No appearance for Defendant

Date of Hearing: 29th January 2025

Date of Judgment: 4th February 2025

JUDGMENT

1. This judgment is issued pursuant to the Decision of this Court issued on 30th May 2024 on which date the Court entered default judgment against the defendant but adjourned the damages or compensation hearing pending further sworn statement to be filed by 18th June 2024. Proof of Service shows the defendant has an attitude problem resulting in him refusing to cooperate by receiving Court documents.
2. The hearing held on 29th January 2025 was a damages hearing. Mr Rongo attended with the claimant. The defendant did not appear. He has never appeared in any previous conferences or hearings despite he was served on 17 April 2024.
3. A notice of conference was issued on 6th January 2025 notifying parties that this case was returnable on 29th January 2025 at 11:15am. The defendant failed to attend the conference hearing.
4. Following Rule 12.9 (1)(c) of the Civil Procedure Rules, I gave permission for the claimant to call evidence to establish he is entitled to judgment against the defendant. The claimant simply confirmed his additional sworn statement filed on 3rd July 2024 which was received as Exhibit C1. In his evidence as Annexure "JT1" the claimant referred to a valuation of his properties which was done by Tahi Consultant & Valuation Services dated 27 June 2024.



5. The valuation shows:

a)	A main house valued at	VT 5,182,000
b)	A Second Building valued at	VT 1,700,000
c)	A Third Structure valued at	VT 1,500,000
d)	Clearing of primary vegetation	VT 1,500,000
e)	Digging and concrete wall	VT 900,000
	TOTAL	VT 9,787,000

6. The evidence by the claimant is not opposed or challenged by the defendant.

7. Accordingly I enter judgment in favour of the claimant for the total damages in the sum of VT 9,787,000 in relation of his properties against the defendant.

8. I further order that the defendant pays the claimants costs of the proceeding on the standard basis as agreed or taxed.

9. This judgment shall be served on the defendant by the Sheriff of the Court with the assistance of the claimant, and it shall be returnable for a check on its execution on 4th March 2025 at 0815 hours in chambers.

DATED at Port Vila this 4th day of February 2025

BY THE COURT

Hon. OLIVER A SAKSAK

Judge

