

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

Civil  
Case No. 25/1122 SC/CIVL

**BETWEEN:** Family Rongo  
Applicant

**AND:** South Santo Island Tribunal  
Respondent

**AND:** Family Ropo Moli  
Interested Party

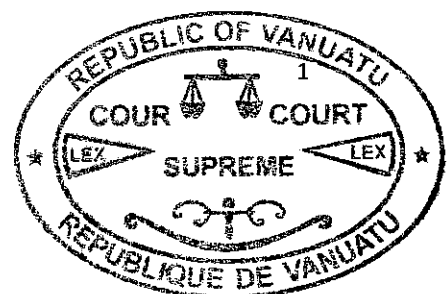
*Date:* 2 September 2025  
*Before:* Justice V.M. Trief  
*Counsel:* Applicant – Mrs M.P. Manuariki  
Respondent – OAG  
*Copy to:* Assistant Sheriff at Luganville Court House

---

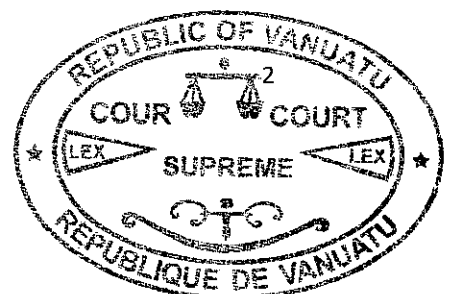
**DECISION AS TO APPLICATION FOR EXTENSION OF TIME TO FILE A CLAIM FOR  
JUDICIAL REVIEW**

---

1. I thank the Assistant Sheriff at the Luganville Court House for the service he effected and for the proof of service.
2. On 23 April 2025, the Applicant filed Application for Leave to Extend Time to file a Claim for Judicial Review pursuant to rule 17.5 of the *Civil Procedure Rules* (the 'Application').
3. In para. 3 of the Orders dated 23 June 2025, I stated that the Claim must be before the Court for the Court to assess whether or not the justice of the case requires extension of time. I directed the filing of the Claim and that it be served together with sworn statements in support of the grounds of the Claim and those Orders by 4pm on 23 July 2025. Further, that proof of service on both Respondent and Interested Party must also be filed by that date and time.



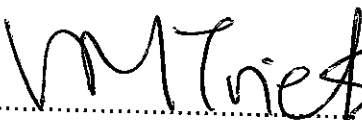
4. The Applicant has not complied with the Orders in para. 3 of the Orders dated 23 June 2025. The Claim was filed out of time on 8 August 2025. Further, there is no proof of service of the 23 June 2025 Orders on the Interested Party, only on the Respondent. There is no proof of service of the Claim on either party. None of this counts in the Applicant's favour.
5. In the Claim, the Applicant is seeking Orders quashing the Santo Island Land Tribunal (the 'Tribunal') decision dated 6 November 2007 in respect of Abunausi (aka Abenausi, Vunausi) custom land. The grounds in summary are that the Tribunal erred in permitting the Interested Party to join as a claimant in the Island Land Tribunal when it was not a party in the lower level tribunals, that the Tribunal ignored the Supreme Court judgment in Civil Case No. 13 of 2005 ('CC 2005/13') in which the Court ruled that the Interested Party was not eligible to be a claimant when they had already withdrawn their claim in the Village Land Tribunal, that the Tribunal did not determine the matter according to custom, and that substantial justice requires that the declaration be quashed and determined under the *Custom Land Management Act*.
6. On 29 July 2025, the Sworn statement of Tama Tamata was filed in support of the grounds of the Claim.
7. The *Customary Land Tribunal Act* [CAP. 271] (the 'Act') provides in subs. 24(1) for rehearing by an island land tribunal and in subs. 39(2) for application to the Supreme Court for an order where a land tribunal fails to follow any of the procedures under the Act. The Applicant is aware of the provision in s. 39 of the Act as it previously utilized it in CC 2005/13 to successfully challenge the participation of the Interested Party in the Area Land Tribunal.
8. It is not explained in the Claim nor in the Application or the Applicant's sworn statements why it has not utilized the procedure in subs. 24(1) or 39(2) of the Act to challenge the decision of the Tribunal dated 6 November 2007.
9. Not having utilized the procedures provided for in the Act, there is no scope to seek judicial review – see rule 17.8(3)(d) of the *Civil Procedure Rules*.
10. In addition, the only explanation for the Applicant's delay is as follows in paras 8 and 9 of the Application:
  8. *The Applicant could not come earlier because their elders who were taking courage [sic] of their land matters all started passing away and it took them a while to come forward.*
  9. *The Applicants were not sleeping over a right. Firstly, they were discouraged and aggrieved by the Respondent's actions which was obviously an error manipulated by a*



*third party, and secondly, for them to pursue the Respondents means expending finances to correct someone's mistake. It took them a while due to settle to come forward.*

11. With respect, the explanation proffered by the Applicant for its delay since the Tribunal decision was issued on 6 November 2007 to seek redress is simply inadequate.
12. For the foregoing reasons, the Application for Leave to Extend Time to file a Claim for Judicial Review filed on 23 April 2025 is **declined and dismissed**.
13. Consequently, the Applicant does not have leave to file a Claim therefore the Claim filed on 8 August 2025 is **declared** ineffectual.
14. The costs of the Application and the proceeding are to lie where they fall.

DATED at Lakatoro, Malekula this 2<sup>nd</sup> day of September, 2025  
BY THE COURT

  
Justice Viran Molisa Trief

