

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

**Civil**  
**Case No. 25/02 SC/CIVL**

**BETWEEN: Harold Kenneth representing Family  
Kenneth**  
Claimant

**AND: Roger and Selma Veremaito**  
First Defendants

**AND: Edson and Delailah Veremaito**  
Second Defendants

**AND: Treley and Sesil Veremaito**  
Third Defendants

**AND: George Miller and Margret Veremaito**  
Fourth Defendants

**AND: Messiah and Eresnet Veremaito**  
Fifth Defendants

**AND: Childson and Christina Veremaito**  
Sixth Defendants

**AND: David and Sesil Veremaito**  
Seventh Defendants

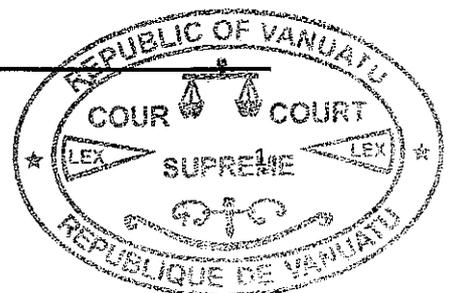
**AND: Ben and Haidah Mahit**  
Eighth Defendants

*Date:* 5 November 2025  
*Before:* Justice V.M. Trief  
*Counsel:* Claimant – Mr E. Molbaleh  
Defendants – Mrs M.G. Nari

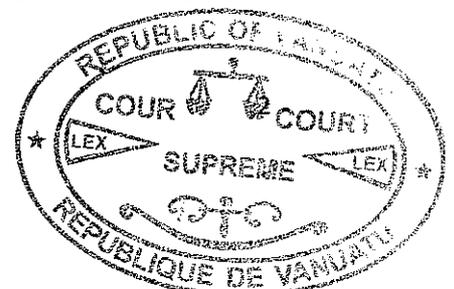
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**DECISION AS TO STRIKE-OUT APPLICATION**

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1. The pleadings are as follows:
  - a) Claim filed on 17 January 2025 seeking eviction orders, damages, interest and costs;
  - b) Defence filed on 19 February 2025;
  - c) Reply to Defence filed on 8 April 2025.
2. At the conference on 14 October 2025, I questioned Mr Molbaleh as to the basis of the Claim. Mrs Nari stated that the Defendants had raised the same concerns about the Claim in their Defence and that the Defendants would be filing an application to strike out the Claim. I made directions for submissions in response and stated that the Court would determine the application on the papers after that.
3. On 15 October 2025, the Defendants filed Application for Strike out (the 'Application') and the Sworn statement of Manfred Veremaito in support.
4. Despite the Orders made at the conference on 14 October 2025 at which Mr Molbaleh was present, no submissions in response have been filed.
5. I now determine the Application.
6. The grounds of the Application include that the Claimant has not stated the name of its custom land, and that the Defendants are the declared custom owners and have a certificate of recorded interest in land (known colloquially as a 'green certificate') for Retelemb custom land which covers the area referred to in the Claim therefore the Claim is without basis.
7. It is alleged in the Claim that the Claimant Harold Kenneth representing Family Kenneth are one of the declared custom owners of the land that the Defendants are occupying and that the Claimant uses that land to have access to the Lakatoro wharf to catch boat to go to the small island of Uripiv. It is alleged that the Defendants have been living there without the Claimant's permission and that the Defendants are obstructing the Claimant from freely accessing the wharf area.
8. However, there is no pleading in the Claim or particulars provided as to what custom land the Claimant is a declared custom owner of, what the boundary of that custom land is, or the portion owned by the Claimant. Accordingly, the Claimant has not pleaded or provided particulars as to the basis on which it asserts it may seek eviction orders against the Defendants.
9. The Defendants' case pleaded in the Defence and as a ground of the Application is that they have a green certificate over Retelemb custom land on Central Malekula which covers the land area referred to in the Claim, therefore the Claim is misconceived and



has no prospect of success. A copy of the green certificate was attached to the Sworn statement of Manfred Veremaito [**Attachment "MV1"**]. This evidence is contradicted.

10. Also attached to the Sworn statement of Manfred Veremaito is a copy of the Handover Agreement between the Malampa Provincial Government and Family Veremaito in which it is recited that Family Veremaito are the declared custom owners of Retelemb custom land and handing over to Family Veremaito on 31 July 2019 the Ex-Marine Quarters property situated near the Lakatoro wharf [**Attachment "MV2"**]. This evidence also is uncontradicted.
11. Indeed, the Claimant's lack of opposition to the Application speaks volumes.
12. Given the Claimant's absence of pleading in the Claim the basis for it to make a claim in trespass, and in the face of the Defendants' custom ownership of Retelemb custom land which covers the area subject to the Claim, I consider that the Claim does not disclose a reasonable cause of action and has no prospect of success.
13. For the reasons given, the Application is **granted**.
14. The Claim is **struck out**:
15. Costs must follow the event. The Claimant is to pay the Defendants' costs as agreed or taxed by the Master. Once settled, the costs are to be paid within 28 days.

**DATED at Port Vila this 5<sup>th</sup> day of November, 2025  
BY THE COURT**

*VM Trief*

Justice Viran Molisa Trief

