

BETWEEN: LAIH POIDA
First Claimant

AND: CREDIT CORPORATION (VANUATU) LIMITED
Second Claimant

AND: KALO MOSES
First Defendant

AND: SERAH THOMPSON
Second Defendant

Before: *Justice Oliver A. Saksak*

Counsel: *Eric Molbaleh for the First and Second Claimants*
Jerry Boe for the First and Second Defendants

Date of Hearing: *29th August and 26th September 2025*

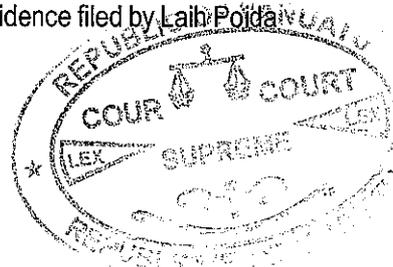
Date of Decision: *10th November 2025*

DECISION

1. The claims of the First and Second Claimants initially filed on 22 May 2025 as amended on 8 October 2025 are hereby struck out.
2. The defences and counter claims of the First and Second Defendants are also hereby struck out.
3. There be no order as to costs. Each party is to bear its own costs.

The Reasons

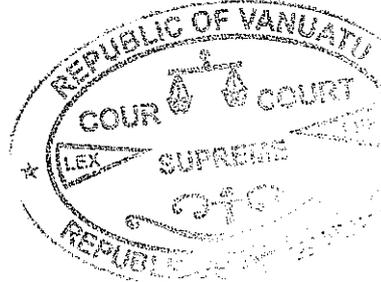
4. First, in relation to the claimants' claims the Second Claimant has not provided any evidence in support of or to confirm the First Claimant's assertions. The Court has issued directions for evidence to be filed and those directions have not been complied with.
5. Secondly, the claimants rely only on the sworn statement of Laih Poida filed on 27 May 2024 in support of the initial claim. However when the amended claim was filed after the Claimants sought, leave on 8 October 2024, there has not been any supporting evidence filed by Laih Poida or the Credit Corporation.



6. Thirdly, the statement of Laih Poida dated 27 May 2025 annexes as "LP1" a copy of 2 pages of Laih Poida's passport showing his name is Laih Poida. He does not have any other names given in the passport. And he has not provided his National Identity Card to verify his names. Annexed as "LP2" is a report from Yumi Vanuatu Workshop by Bob Toa. The signature is questionable. Bob Toa has not filed any sworn statement to confirm he is the maker of this document, as should have been proper. Annexed as "LP3" is titled "Daily Income Transport Business Common Transport 2023.....". This is inadequate. It relates to 2023 only but it includes the years 2019, 2020, 2021 and 2022. The Registration No. of the vehicle is not specified. And it is not a daily record of income. It is therefore inadequate and not admissible evidence.
7. Annexed as "LP4" is the Police Abstract Report dated 19/03/2024. This is incomplete without a sketch map or plan. It is therefore an unreliable document to be admissible as evidence. Next is annexure "LP5" which is a Motor Vehicle Insurance Certificate relating to the Second Defendant's vehicle. I do not quite understand the relevance of this document to assist the claimant's claims, therefore it is irrelevant.
8. Next are annexures "LP6" and LP7" which are copies of the Business Licences issued by Shefa Province to Licensee Bob Laua Loughman in relation to a Common Transport Services (CT) Reg. 20237 for the years 2019 and 2020.
9. Next is annexure "LP8" which is a copy of the Business Licence issued to Laih Poida for the year 2021 to operate a Bus Transport Services (B) Reg. 20237.
10. The Police Abstract Report (LP4) in paragraph 2 states the vehicle driven by Laih Poida on 23 July 2022 was a white Toyota Hilux Reg. 20237 quite contrary to the Business Licence issued in 2021 for a Bus Transport Services.
11. The unanswered questions are:
 - (a) Is the claimant's vehicle Reg. 20237 a Bus or a Toyota Hilux?
 - (b) Who is the owner of vehicle 20237? There is no 'red book' provided, therefore the real owner cannot be ascertained. It is still a mystery.
 - (c) Who is Bob Lava Loughman? Is he the same person as Laih Poida?
 - (d) And where is the evidence to confirm Laih Poida is the same person as Bob Laua Loughman? The First Claimant has not provided sufficient evidence to show he is Bob Laua Loughman. He needed to have presented his birth certificate and the entries of the Civil Status Registry, including his National ID Card. He simply has not done that.
 - (e) Who bought what vehicle from Credit Corporation?
 - (f) How much loan (if any) has been paid and how much is still outstanding?

The burden of proof falls on the claimants to produce evidence to assist the Court determine these issues.

12. None of those documentary evidence support and substantiate the First Claimant's claims against the First and Second Defendants.



13. In short, the Claimants have not shown any cause of action against either the First or Second Defendants.
14. On 26 September 2025 the First and Second Defendants filed an application to strike out the amended claim and to enter summary judgment on their counter-claim.
15. The application is only partly successful. The claims as amended are struck out in its entirety for the reasons given.
16. I now consider the other part of the application for summary judgment on the counter-claim. As stated in paragraph 2 of this Decision, the defence and counter-claims are also struck out. The reasons follow.
17. Mr Tasso filed a set of defence to the amended claim on 20 February 2025. The Counter-Claims were filed separately on 24 March 2025, quite a strange way of pleadings.
18. The Civil Procedure Rules provide for Counter-Claims in Rule 4.8 (1) which states:

"If a defendant in a proceeding wants to make a claim against the Claimant (a "counter-claim") instead of bringing a separate proceeding, the defendant must include details of it in the defence." (emphasis added).
19. The defendants did not comply with that rule. It is a mandatory requirement.
20. Next, the sworn statement filed by the First Defendant in support of the amended defence and counter-claim on 14 March 2025 contains mostly submissions instead of evidence. There are no medical reports provided. There is no evidence showing actual losses incurred, past, present or future.
21. The Second Defendant has absolutely no evidence in support of the defence and counter-claims. Therefore she is entitled to nothing.
22. It is for those reasons the application for summary judgment is declined and that part of the application is dismissed.
23. In the circumstances of the case, it is proper that each party bears their own costs.

DATED at Port Vila this 10th day of November, 2025

BY THE COURT

Hon. Justice Oliver A. Saksak

