

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

Civil Case No's
21/2057 & 17/624 (Consolidated)
SC/CIVL

CC 21/2057

BETWEEN: Dunstan Tula representative of Simon Roy
Tula and Family
Claimant

AND: John Godwin and Family
Colton Harry and Family
Hilary Wetak and Family
Maxime Pierre and Family
Philip Tula and Family
Willington Jonas and Family
Charles Norman and Family
John Beret
Lulum Noel
Colton Marry
First Defendants

AND: Jeffrey Wenel and Frazer Wemanar
Second Defendants

CC 17/624

BETWEEN: Jeffrey Weul, Mofresher Wemanar, Family
Wemal, Sawon Family, Harold Nais Hopkins,
Keith Sawon, Frank Bollen
Claimants

AND: Rodrick Tula, Danstan Tula, Donald Tula,
Vira Jack, Basil Frank, Joseph Saltons,
Atkin John, Godden Fanai, Patrick Ventul,
Andrea Salvemal, Jonas Philip, Robert
Wengel, Laisa Marau, Timothy Fanai, Marian
Roquailis & Hillary Frazer
First Defendants

DECISION AS TO APPLICATION TO STAY ENFORCEMENT OF JUDGMENT
DATED 3 OCTOBER 2025



**AND: Donald Tula, Basil Frank, Joseph Salto,
Atkin John, Jonas Philip, Robert Wengel**
Second Defendants

AND: Jonas Philip
Third Defendant

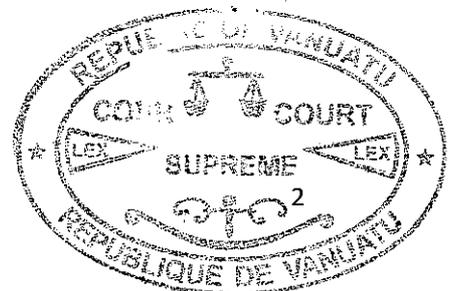
Date: 28 January 2026
Before: Justice V.M. Trief
Counsel: Claimant in CC 21/2057 and First Defendants in CC 17/624 – in person
First & Second Defendants in CC 21/2057 – Mr P. Fiuka
Claimants in CC 17/624 – Ms J. Kaukare
Second Defendants in CC 17/624 – Mr E. Molbaleh
Third Defendant in CC 17/624 – in person

DECISION AS TO APPLICATION TO STAY ENFORCEMENT OF JUDGMENT
DATED 3 OCTOBER 2025

1. On 3 December 2025, the First Defendants in CC 21/2057 filed Application to Stay Enforcement of Judgment dated 3 October 2025¹ (the 'Application'), and the Sworn statement of John Godwin in support. It is asserted that the Second Defendants in CC 21/2057 filed an urgent application with the Banks and Torres Island Court for clarification of the boundaries of Aworor land and Lembal land within Nebeklev custom land at south Gaua island in Torba province, but it has not been heard until today.
2. The Claimant's claim in CC 21/2057 was for trespass. The relief sought included for orders evicting the First Defendants from Lembal custom land pursuant to its right to work on the following area of land set out in Declaration C of the Banks and Torres Island Court decision dated 24 November 2005:

(c) *se famili Simeon Roy olgeta ino kastom ona long graon Nabeklav mo Aworor be raet we olgeta igat hemia hemi wan raet we famili Jeffrey ikvim long olgeta. Forom resen ia kot istap deklarem se graon we istat lo Lembal kam kasem drae krik blong Lear iblong famili Simeon Roy mo olgeta igat raet blo wok ko antap long hil kasem kros baondri we family Jeffrey italem*

¹ *Tula v Godwin* [2025] VUSC 277



3. By judgment dated 3 October 2025, the Court in the present matters entered judgment for the Claimant and made orders, including for eviction of the First Defendants from Lembal land, as described in Declaration C of the Banks and Torres Island Court decision dated 24 November 2005.
4. The judgment dated 3 October 2025 has not been appealed.
5. Instead, the First Defendants by the Application are seeking a stay of enforcement of the judgment dated 3 October 2025.
6. However, it is not clear to me how any alleged clarification by the Banks and Torres Island Court of the boundaries of Aworor land and Lembal land within Nebeklev custom land will affect the enforcement of the judgment as that Island Court has stated in its Declaration C the area of land that the Claimant and family Simeon Roy Tula have a right to work on. By the judgment dated 3 October 2025, the present Court found that the First Defendants are living and working on the Declaration C land. That has not been appealed.
7. In addition, the First Defendants could have sought a stay of the proceedings in CC 21/2057 and CC 17/624 pending the outcome of the urgent application that it is asserted that the Second Defendants have filed with the Banks and Torres Island Court. That did not occur. Judgment has been entered on the Claim in CC 21/2057.
8. For the reasons given, the Application is **declined and dismissed**.
9. There is no order as to costs.

DATED at Port Vila this 28th day of January, 2026
BY THE COURT

VM Trief

Justice Viran Molisa Trief

