

BETWEEN: Bai Haigang
Claimant

AND: Qiu Hiaohua
First Defendant

AND: Huang Weiming
Second Defendant

Date of Conference: 13 April 2026

Before: Hon. Chief Justice V. Lunabek

**Counsel: Mr. J. Messao for the Claimant
Mrs. D Yawha the First Defendant
Mrs. B. Karu for the Second Defendant.**

Reasons for the Order of 13 April 2026

A. Introduction

1. On the 13th of April 2026, I hear the claim for the release of a Vehicle Registration No. 27865 in the custody of the First Defendant.
2. Upon hearing the Counsels and upon perusing the claim, the sworn statements in support, I am satisfied, there is no dispute as to the factual basis of the claim, I, therefore, make the following orders:
 - 1) The First Defendant to release the Vehicle Registration No .27865 to the claimant immediately.
 - 2) The Second Defendant shall repay the First Defendant the balance of Vt 840.000 owing by June 2026.

3) There is no order as to costs.

3. The reasons are set out below: -

B. Background

4. Sometimes in 2025, the claimant intended to import a motor vehicle and some goods to Port -Vila for personal and business use from China to Port – Vila, Vanuatu.
5. The vehicle is a white motor vehicle registration No. 27865, registered on 15 January 2026 (“the vehicle”).
6. The vehicle and goods belonging to the Claimant were shipped from China to Port Vila, Vanuatu in July 2025.
7. The ship arrived in Port – Vila between 1 December 2025 and 15 December 2025.
8. Upon the arrival of the ship, the Claimant contacted the First Defendant to act as his agent and broker to clear the vehicle and goods and secure its release to the Claimant. The First Defendant agreed to make the necessary arrangements for the clearance and release of the vehicle and the goods.
9. Pursuant to the agreement and instructions of the First Defendant to the Second Defendant, the Claimant paid Vt 1.490.000 to the Second Defendant for the clearance and release of the vehicle.
10. Despite full payment being made, the First Defendant has failed, refused or neglected to release the vehicle to the Claimant.

11. The Claimant made repeated requests for the release of the vehicle with no response.
12. This lead the Claimant to file this claim seeking among other orders, an urgent order for the First Defendant immediately release the vehicle to the Claimant.

C. Conference held with attempts to settle

13. I set a conference on 20 February 2026 to hear an ex parte application for interim orders. I advise Counsel that the ex parte application will be heard inter partes. Counsel applied for an adjournment. I adjourned the hearing for the application to 13 March 2026.
14. On 13 March 2026, Mr. Morrison appearing for the First Defendant was involved in a meeting and did not attend. However, the Court was informed by Mr. Mesao that based on the agreement between the First Defendant and the Second Defendant at the Police station on 30 January 2025, the First Defendant did not receive the money from the Second Defendant (the money of Vt 1.490.000). Mr. Mesao informed the Court that Mr. Morrison asked for another week and if the First Defendant received the money, he should have released the vehicle.
15. Mrs. Karu appearing for the Second Defendant informed the Court that since the First Defendant did not receive the money the Claimant paid for the purchase of the logistical arrangements of the vehicle, and with the belief that that money was lost in the hand of the Second Defendant, a round table discussion took place at the Police Station between the First Defendant and the Second Defendant. The round table was for the Second Defendant to refund the money (Vt 1.490.000) to the First Defendant. The refund will be made by installments beginning the month of December 2025 to April 2026.

16. Mrs. Karu informed the Court that the Second Defendant made two (2) instalment payments already on 10 February 2026 with an amount of Vt.50.000; and the second payment was on 6 March 2026 for an amount of Vt.300.000. These payments were paid to Fraud Unit as per the agreement and the Fraud Unit to transfer the amount paid to the First Defendant.
17. On 13 March 2026, I adjourned the hearing to 18 March 2026 for further conference/mention. Counsel will attempt to resolve the matter.
18. On 18 March 2026, no further progress and the matters was further adjourned to 13 April 2026.

D. Conference hearing of 13 April 2026

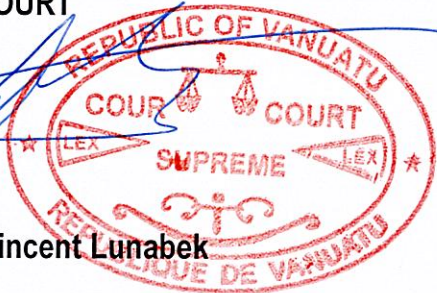

19. On 13 April 2026, Mr. Mesao informed the Court that there is no resolution or settlement of the matter. The First Defendant's position seems to be that the vehicle will not be released until full re-payment of Vt. 1.490.000.
20. Mr. Mesao informed the Court that the Claimant is withdrawing other relief in the claim including the costs. The Claimant now only seeks for an order against the First Defendant for immediate release of the vehicle.
21. Mrs. Karu informed the Court that the Second Defendant made another instalment payment of Vt.300.000 on 9 April 2026.
22. The First Defendant received these payments in Vt.650.000. The balance owing is Vt. 840.000.

E. Decision to immediately release the vehicle.

23. On 13 April 2026, upon hearing Counsel, upon perusing the claim and sworn statements filed in support and upon being satisfied that there is no dispute on any factual basis of the claim, the Court makes the order for the First Defendant to immediately release the vehicle.

Dated at Port Vila, this 13 April, 2026.

BY THE COURT



Hon. Chief Justice Vincent Lunabek