

IN THE ISLAND COURT OF
REPUBLIC OF VANUATU
(Custom Land Jurisdiction)

Review Case No. 22/2718 IC/CUST

BETWEEN: CHIEF TARINUAMATA

Applicant

AND: FORARI VILLAGE LAND TRIBUNAL

First Respondent

AND: KENEDY MATOKUALE TARIWER

Second Respondent

Coram: Chairlady Laloyer. A
Justice Serah Paton
Justice Nicola Kaluatman
Justice Shem Thomas Arlie
Justice Diana Kalsong

Parties: Representative of Applicants
Mr. Boe Damien for First Respondent
Representatives of Second Respondents

Date of Hearing: 08 April 2026

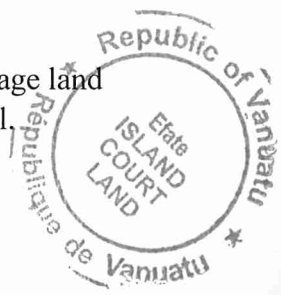
Date of Decision: 10 April 2026

DECISION

Introduction

On 24 November 2022, the Island Court (Land) granted leave to the Applicant to file his application for review out of time.

On 02 December 2022, the Island Court (Land) made its ruling on the decision of Forari village land tribunal and rule that the claim of the parties shall be heard before a new constituted nakamal.



The Second Respondent filed a judicial review before the Supreme Court in 24/718 to challenge the composition of Island Court (Land) on the grounds that one member of the panel was bias. On 29 October 2024, the Supreme Court set aside the decision of the Island Court (Land) dated 02 December 2022 and order that the review to be re-heard before a differently constituted panel.

On 27 March 2026, the Applicant filed an amended application for review

Response

On 27 March 2026, the Second Respondent filed a submission in response to the application for review. The submission in response challenges the Applicant not being a party in the nakamal and is a stranger in the review.

During the hearing, the representative of the Second Respondent made oral submission to challenge the discretionary power of the Island Court (Land) in its decision to enlarge time for the Applicant to file his review and seeks the Court to revoke the decision made on 24 November 2022.

On 27 March 2026, Chief John Mark Vakaloas Matokaole Tarinua filed a sworn statement to say that the Applicant was a stranger in the nakamal. He is the Tarinua and not Tarinuumata who comes from Buninga and not from the Forari area.

On 26 March 2026, the First Respondent filed an application to strike out the review and on 08 April 2026 filed a discontinuance of his application.

On 30 March 2026, the Applicant filed a synopsis submission that challenges the statement of Chief Tarinua and said that the Applicant is the Tarinua and made various argument as to his review should be heard by the Island Court (Land). On 31 March 2026, a further synopsis was filed by the Applicant.

Discussion

This case comes before the Island Court (Land) for rehearing of the review.

The First and Second Respondent challenging the decision of the Island Court dated 24 November 2022. We are of the view that the decision of the Island Court (Land) is protected until the Supreme Court ruled otherwise. The Second Respondent may apply under section 47 of the Custom Land Management Act¹ to challenge the decision of the Island Court (Land) dated 24 November 2022.

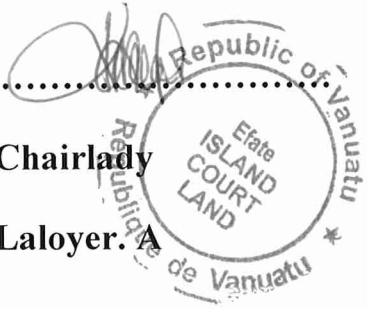
Upon this, the Court makes the following orders: -

1. The review is listed for hearing on 15 July 2026 at 09.00am the morning.
2. Anyone who is not satisfied with this ruling, has a right to file an application for review in the Supreme Court within 30 days.

DATED at Port Vila, Efate on 10th day of April 2026

BY THE COURT





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**Chairlady
Laloyer.**

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Serah Paton

Justice Serah Paton

.....
Nicola Kaluatman

Justice Nicola Kaluatman

.....
Shem Thomas Arlie

Justice Shem Thomas Arlie

.....
Diana Kalsong

Justice Diana Kalsong