

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

Review Case No. 19/824 IC/CUST

In the matter of a decision: Ifira nakamal decision in respect of Valea
custom land made on 19 April 2016.

**BETWEEN: KALKOT MATASKELEKELE
JACK SUPARANA MATAS
KALOJIPA SHEM MATAS**
Applicants

AND: IFIRA ISLAND NAKAMAL
First Respondent

AND: KALSAL FAMILY OF IFIRA
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 the Respondents

Date of Hearing: 08 April 2026

Date of Decision: 10 April 2026



DECISION

Introduction

On 13 October 2023, the Island Court (Land) denied the application to strike out filed by the Second Respondent and granted leave to the Applicants to file their review out of time.

Response

On 26 March the CLMO on behalf of First Respondent filed an application for the Island Court (Land) to refer the matter to the Supreme Court on question of law concerning the discretionary power of the Island Court (Land) to extend time to the Applicant to file his review out of time.

In response to the First Respondent's application for referral on question of law, the Applicant filed a reply where he submits that the application on question of law can only be addressed by the Applicant under section 47 of the Custom Land Management Actⁱ before the Supreme Court. The decision of the Island Court (Land) is protected and the case of *Ahelmhalahlah v Undualao Nakamal*ⁱⁱ cannot overturn the decision of 13 October 2023. Waltersai unless the First Respondent apply for judicial review before the Supreme Court and the Supreme Court makes a ruling.

The Applicant further seek to amend his review and stipulated section 20 of the Act to say that he has a right under section 20 to amend his claim and not under section 45 of the Act. The First Respondent inform the Court that he has no issue as to the Applicant amending his claim.

There is no submission by the Second Respondent during the hearing.

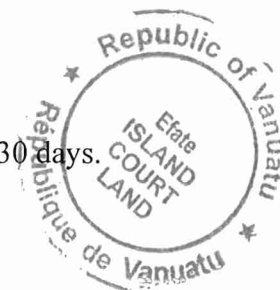
Discussion

We are of the view that the decision of *Ahelmhalahlah v Undualao Nakamal* do not affect the decision of the Island Court (Land) dated 13 October 2023. The Island Court (Land) judgment is protected since the case of *Ahelmhalahlah v Undualao Nakamal* was issued in 2025.

We consider section 20 and section 45 of the Act and we do not agree with the Applicant that section 20 should be read separately from section 45. We are satisfied that the Rules of the Island Court is silence on amending a review and where there is silence the Court needs to take into consideration Rule 3.6 of the Civil Procedure Rules No. 49 of 2002 where it allows a party to amend a claim. We grant the Applicant the right to amend his review.

Upon this, the Court makes the following orders: -


1. The First Respondent's application is dismissed.
2. The Applicant shall file and serve their amended review within 30 days.
3. The review is listed for hearing on 15 July 2026 at 09.00am.

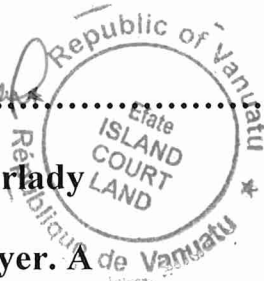


4. Anyone who is not satisfied with this ruling, has a right to file an application for review in the Supreme Court within 30 days.

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


BY THE COURT


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**Chairlady
Laloyer. A**




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Justice Serah Paton


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Justice Nicola Kaluatman


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Justice Shem Thomas Arlie

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Justice Diana Kalsong

ⁱ No. 33 of 2013

ⁱⁱ [2025] VUSC 127