

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

Civil
Case No. 21/807 SC/CIVL

BETWEEN: Francois Chani
Claimant

AND: Harbour Views Limited
First Defendant

AND: Ocean Logistics Limited
Second Defendant

AND: Republic of Vanuatu
Third Defendant

Date: 15 March 2022
Before: Justice V.M. Trief
Counsel: Claimant – Mr E. Molbaleh
First and Second Defendants – Mr N. Morrison
Third Defendant – Ms J.E. Toa

**DECISION AS TO APPLICATION FOR FOURTH AND FIFTH DEFENDANTS TO BE
ADDED TO THE PROCEEDING**

1. The Claimant on 27 January 2022 filed Application for Fourth and Fifth Defendants to be added as parties. Despite opportunity given, the First and Second Defendants have not filed submissions in response. I now determine the Application.
2. The grounds for the Application are that in the event that the First and Second Defendants are bankrupt, that the Directors of those companies be added as Fourth Defendants so they will be liable for the damages sought. Additionally, that Dinh Van Tu and Loic Dinh be added as Fifth Defendants as they applied for the excavation permit.
3. The sworn statement of Eric Molbaleh was filed in support. It does not contain any evidence that the First and Second Defendants are bankrupt or likely to become bankrupt before judgment is given in this matter. There is no evidence therefore for the first ground of the Application.
4. As to the second ground of the Application, the First and Second Defendants have expressly relied on the quarry permit given: see para. 9 of the Defence filed 16 April



2021. The existence of the quarry permit not being denied, I consider that the presence of Dinh Van Tu and Loic Dinh as Fifth Defendants is not necessary to enable the Court to make a decision fairly and effectively in the proceeding: rule 3.2(1), *Civil Procedure Rules*. Accordingly, the second ground of the Application is rejected.

5. For the reasons given, the Application is **declined and dismissed**.
6. There is no order as to the costs of the Application.

DATED at Port Vila this 15th day of March 2022
BY THE COURT

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Justice V.M. Trief

