

IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(LAND DIVISION)

APPLICATION NO. 328/02

IN THE MATTER of Section 450 of the Cook Islands Act 1915

AND
IN THE MATTER of the land known as IKURANGI SEC 127C, AREVAI SEC 129A NO. 1 NGATIPA SEC 127, AVARUA

AND
IN THE MATTER of an application by TE KURA VEIKIRANGI to revoke the Succession Order made on the 11.11.49 to the interest of NGAPOKO PARAU TARAARE in the land Ikurangi Sec 127C, Avarua.

AND
IN THE MATTER of an application by TE KURA VEIKIRANGI to revoke the Succession Order made on the 17.6.75 to the interest of NGAPOKO PARAU TARAARE In the land Arevai S 129A No. 1, Avarua.

AND
IN THE MATTER of an application by TE KURA VEIKIRANGI to revoke the Succession Order made on the 10.5.1932 to the interest of ANGENE PARAU TARAARE in the land Ngatipa S 172 Avarua.

AND
IN THE MATTER of an application by TE KURA VEIKIRANGI to revoke the Succession Order made on the 10.5.1932 to the interest of ANANI in the land Ngatipa S. 172 Avarua.

Mr Teeu Kamana for applicant
Mrs Terangi Little – objector
Date of hearing: 14 August 2002

REASONS FOR DECISION BY HINGSTON J

HEARING

The applicant's case is quite simple. She was legally adopted by Ngapoko Tai but this evidence was not before the Court when the Orders being attacked was made.

She argues that she is the person entitled to succeed and this order should be revoked. She has succeeded to other lands of the deceased. A copy of the adoption order was produced by the applicant.

Mrs Little appearing as one of the persons who would be dispossessed argued that her line though only derived through a "feeding child" were by blood related to the deceased and therefore the succession order complained off should not be disturbed. She also submitted that the deceased family did not recognise for succession adopted persons who were not of the blood-line. Notwithstanding that she appeared to concede that her family would agree to the applicant taking some of the land.

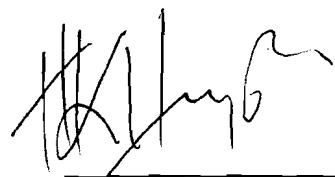
The applicant submitted that there had been an agreement amongst Ngapoko and her siblings that "feeding children" should not succeed as well that her blood link to the family could be proven.

CONCLUSION

The applicant having been legally adopted by Ngapoko was clearly entitled to have her claim considered when the orders complained of were made. The question of whether she had a right to succeed in terms of the customs of this family was a matter that would have been traversed if the Court at that

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time had been aware of the legal adoption. The Court being unaware of the legal adoption is, I believe, sufficient cause to intervene and revoke the succession orders attacked by the applicant.

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JUDGE

That the parties be advised that an application de novo should be made for succession to the deceased and that the persons dispossessed by this order are still eligible to apply.

Copy to: Applicant
Mrs Little