

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

**APPLICATION NO. 7/2010**

**IN THE MATTER** of Section 390A of the Cook  
Islands Act 1915

**AND**

**IN THE MATTER** of the land known as  
**ARERENGA SECTION 13,  
ARORANGI**

**AND**

**IN THE MATTER** of a Judgment of the Court of  
Appeal in CA 8/06 dated 1  
December 2006

**AND**

**IN THE MATTER** of a Succession Order made on 29  
December 1958

**BETWEEN** **NGAMETUA EMILE** of  
Arorangi  
Applicant

**AND** **TEINA TAULU**  
Respondent

Date: 1 August 2017

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**JUDGMENT OF HUGH WILLIAMS, CJ**

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[WILL0313.DSS]

[1] On 5 October 2010 an application under s 390A of the Cook Islands Act 1915 was lodged with the original parties shown as Ngametua Emile as Applicant and Metuanguaru Vaiteru as Respondent.

[2] At much the same time Application 2/2010, also under s 390A, was lodged relating to the same land.

[3] Since that time, despite a series of minutes from the former Chief Justice almost no substantive progress has been made towards a hearing in relation to either application. Indeed, on 19 February 2013 the Respondent in Application 7/2010 applied to strike the proceedings out and subsequently there is an indication on the file that the original Respondent, Metuanguaru Vaiteru, has died and that the abovenamed respondent, Teina Taulu, has been substituted.

[4] At all events, by minute issued on 22 September 2016 Weston CJ made an order terminating Application 2/2010 and issued directions requiring counsel for the Applicant to file an amended application and any supporting affidavits within 5 weeks from the date of the minute with counsel for the Respondent then having a further 5 weeks to reply in such manner as she considered appropriate.

[5] The former Chief Justice's minute of 22 September 2016 reached the present Chief Justice on 18 July 2017 (New Zealand time) and it transpired, when the Registrar contacted counsel for the parties on 17 July 2017, that neither party had taken any further steps in relation to Application 7/2010 in response to the minute of 22 September 2016.

[6] There being no indication that either party intends to continue with Application 7/2010, the application is ruled to be abandoned and the proceeding is therefore at an end.

A handwritten signature in black ink, appearing to read 'H Williams', written in a cursive style. The signature is positioned above a horizontal line.

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**Hugh Williams, CJ**