

HCLA 4/88

Betio

15th March 1988.

Nei Mamao Tiroba }  
Nei Monika Marera }

Appellants

-vs-

Mormon Church }  
Nei Kaobunang Teweti }

Respondents

The appellants appeal from the decision in case 8/88 a decision of the Magistrates Court (Lands) given on 14th January 1988.

In that case the Mormon Church and Nei Kaobunang sought possession of Aontoa 712(e).

They were informed by Buren Ratieta of what he believed to be the effect of our judgement in case HCLA 181/87. With respect his precis of it was not entirely accurate. The effect however was that because of the exchange in Case 30/85. Plot 712(e) belonged to Nei Kaobunang and the appellants should be evicted.

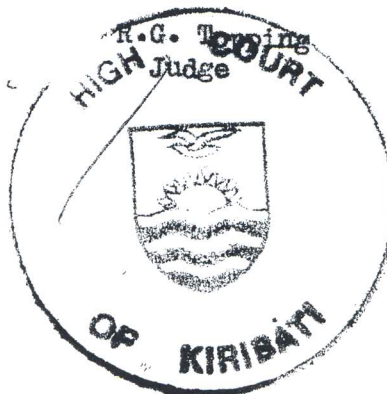
Nei Monika submitted that they were living on plot 712(o) not 712(1) and (e). She asked for the attendance of the landowner to point out his boundary. The Magistrates without satisfying themselves as to where infact the appellants were building their house and on whose plot ordered the appellants to leave.

The Court should have satisfied itself that the appellants were on Plot 712(o) and not as they claim 712(e). On the evidence before them they could not have been satisfied on this point.

We quash the decision of the Magistrates Court Lands (South Tarawa) in case 8/88 and set aside the eviction order. The will be retrial. We order that the Appellants cease any building works on the plot forth with until the retrial is carried out.

As an appeal has been lodged against the exchange we order that the retrial is not to take place until that appeal has been disposed of.

*Tokai*  
Tokai Tibau  
Land Magistrate



*Beteron*  
Betero Kaitangare  
Land Magistrate