

ABAOKORO HIGH COURT LAND APPEAL SESSION
(BEFORE HON JUSTICE V O MAXWELL C.J.)

HCLA242/88

BETWEEN: TAKOAITI TAWEREWERE & ORS
AND: IENRAKU TABORA

Appellants
Respondent

Heard on 22nd
August 1989

JUDGMENT

This is an appeal from the decision of the Lands Magistrates in case No NT73/88 delivered on 23rd September 1988.

Case No 73/88 was a redistribution of the estate of Tabora's estate ordered in HCLA136/84.

At the hearing of this appeal the respondent was not present. The appellant's ground of appeal was that they were not present when the redistribution was done.

The records of proceedings show that they were summoned but refused to sign for the summons. It was also stated that a letter tendered as exhibit 'A' was received from them.

Exhibit 'A' is however not among the documents before us.

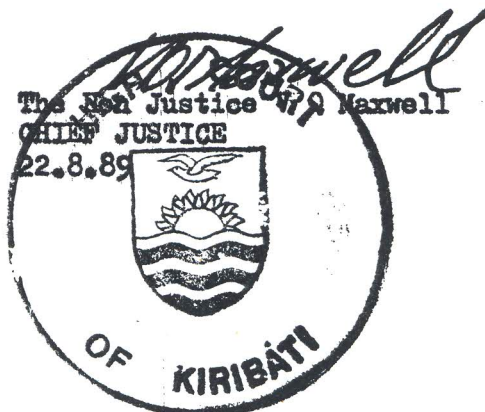
In view of the fact that we do not accept the statement that the appellants were summoned but did not appear and in view of the absence of the respondent, we allow the appeal and send back the case to the magistrates for retrial and for redistribution of the estate of Tabora.

ORDER

1. Appeal allowed without costs.
2. Case sent back to the Lands Magistrates for retrial.

Betero.k.

BETERO KAITANGARE
22.8.89



TEKANORA

TEKAIE TENANORA
22.8.89