

IN THE HIGH COURT OF KIRIBATI  
(BEFORE THE HON F MUHAMMAD C.J.)

HCLA 221/90

NEETI TOKOA  
TARABU TOKOA  
MOMOTI TOKOA

VERSUS


WINTI TOURAKAI  
BERENATO TEKAAI

JUDGMENT


*This is an appeal against Bairiki Magistrates' Court Land case No. 287/86 where the Magistrates dealt with a distribution of an estate of a deceased person called Tokoa. The matter came before us when the appellants applied for leave to appeal out of time on 7 January 1991 and we granted leave on the basis that the appellants have been excluded from the distribution whilst their other brothers and sisters and cousins were all included.*


*This matter was then set down for full argument and to see if the respondents had anything to say. After hearing all sides we are now firm in our belief that the appellants were wrongly excluded from the distribution of their father's estate.*

*We allow their appeal and remit back the matter to the Magistrates' Court to re-distribute the estate and include the 2 appellants and the children of the third appellant in that re-distribution. They should also look into the matter as it has been raised that the land Tabontakoronga 808a or part thereof might well have been a gift for kindness. If they are satisfied that the land or part of it was such a gift then of course that must belong to the children of Tokoa. They should hear all the evidence that is necessary to come to their determination.*

  
THE HON F MUHAMMAD  
CHIEF JUSTICE  
(28/10/92)



  
TEKAIE TENANORA  
MAGISTRATE  
(28/10/92)

  
BETERO KAITANGARE  
MAGISTRATE  
(28/10/92)