

IN THE HIGH COURT OF KIRIBATI  
(BEFORE B SUTTILL C.)

HCLA 106/90

**BETWEEN:** N. TEITI TARURU **Appellant**

**AND:** TAAKE NABUTI  
ERETI NABUTI  
TEATA NABUTI (deceased)  
FREDDY RAIHA **Respondents**

J U D G M E N T


The appellant seeks to appeal BA 10/90 - a matter of a sale of land from Taake Nabuti to Choy Reiher. It is clear that the appellant was not a party to these proceedings. The law is equally clear - only the unsuccessful party to proceedings may lodge an appeal. The appellants remedy, to establish that she is the owner of the land as she claims, is to sue the parties to BA 10/90 in the magistrates court.


She says she wanted to do this but received no cooperation and bad advice from the Court Clerk. This should not have happened, and her remedy is accordingly delayed some five years.

She has the right to sue the parties in BA 10/90 and the Bairiki Lands Court are hereby directed to give her every assistance to do so. We should also state that the fact that the Lands Court has approved a sale between the parties to BA 10/90 is no bar to them reopening the matter and deciding who was, at the time of the sale, the owner of the land; the appellant in this case or Taake Nabuti.

There is no need to rule on the extension of time for leave to appeal. The appeal is for the above reasons, dismissed.

  
B. SUTTILL  
Commissioner  
31/1/1996

  
TEKAIE TENANORA  
MAGISTRATE  
(31/1/96)

  
BETERO KAITANGARE  
MAGISTRATE  
(31/1/96)

