

IN THE HIGH COURT OF KIRIBATI)
LAND JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

HIGH COURT LAND APPEAL NO. 89 OF 1991

BETWEEN: **BERENATETA BETERO** **APPELLANT**

AND: **MAIANGO, MATIARE** **RESPONDENTS**

FOR THE APPELLANT: MS BATITEA TEKANITO
FOR THE RESPONDENTS:

DATE OF HEARING: 26 APRIL 2002

J U D G M E N T
(Ex Tempore)

This is a very old case going back to 1985. We have given leave to appeal out of time because the applicant/appellant says the appeal fee was paid within time but the Court Clerk then did nothing about it.

Both respondents are dead but their descendants have been served on TabNorth. There has been no appearance by anyone for or on behalf of the respondents today here on South Tarawa.

We are very hesitant about sending this case back for rehearing as it is a so old but as there may be substance in the appellant's complaints about the original hearing we think we must do so. We ask the magistrates to make sure, when they hear the case again, that all parties who may be interested in the land are notified of the hearing and given an opportunity to be present and to argue their case.

The appeal is allowed and the matter remitted for hearing again.



THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE



TEKAIE TENANORA
MAGISTRATE



BETERO KAITANGARE
MAGISTRATE