

Mweretaka

IN THE HIGH COURT OF KIRIBATI
CIVIL JURISDICTION
HELD AT BETIO
REPUBLIC OF KIRIBATI

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HIGH COURT CIVIL APPEAL 26 OF 2010

BETWEEN: ATTORNEY GENERAL IRO CLERK OF
TARAWA URBAN COUNCIL APPELLANT

AND: BWEA TABURIMAI RESPONDENT

FOR THE APPELLANT: MR MONOO MWERETAKA
FOR THE RESPONDENT: MR RAWEITA BENIATA

DATES OF HEARING: 26 OCTOBER 2010

JUDGMENT
(EX TEMPORE)

The appellant impounded the respondent's pig. When the respondent went to collect it the next day the pig was not there. The respondent sued the appellant for the value of the pig. The Single Magistrate awarded him \$500.00.

On appeal counsel for the appellant has argued that the Single Magistrate reversed the onus of proof "ruling that the onus rests on the defendant to prove its case". Counsel relied on the last few paragraphs of the judgment but even after hearing counsel for the appellant the Single Magistrate does not seem to have reversed the onus. Rather the deciding factor is that there was no challenge to the plaintiff's evidence in court. It was quite proper for the Single Magistrate to decide on that ground.

The appeal is dismissed.


THE HON ROBIN MILLHOUSE QC