



HIGH COURT OF KIRIBATI

Land Appeal No 52/2017

**BOBOIA ANETI, TEENABA ANETI,
TEBEIA KABAUREITI, TEENA TAEKA,
RUTI ANETI and KIBAIMOA MEERI**

Appellants

v

TUIAI TABAI

Respondent

*No appearance for the appellants
Batitea Tekanito for the respondent*

Date of order: 28 March 2019

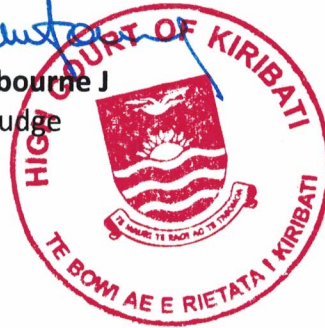
ORDER

- [1] On 5 September 2017 a Single Magistrate sitting in the South Tarawa Magistrates' Court, in case BikLan 42/16, ordered the appellants to vacate the respondent's land, Tebweao 643a/2, within 3 months. The appellants have appealed against the Single Magistrate's decision by notice dated 9 October 2017.
- [2] As the appellants did not comply with the court's order, on 7 December 2017 the respondent asked the Single Magistrate for enforcement of the eviction order. The appellants were given 3 more weeks to comply. We understand that the appellants remain on the land to this day, despite no stay having been ordered.
- [3] When the matter was called on today, Ms Botika Maitinnara, who had been on the record as counsel for the appellants, informed the Court that she no longer held instructions. The appellants visited her about 1 year ago, asked for their file and told her that they would be engaging another lawyer. No other appearance has been entered on the appellants' behalf in the meantime. Ms Maitinnara sought and was granted leave to withdraw.
- [4] There being no appearance for the appellants, the appeal is dismissed for want of prosecution. The appellants are at liberty to apply to reinstate their appeal no later than 4:00pm on 29 April 2019.

- [5] The appellants must vacate the respondent's land Tebweao 643a/2 by 4:00pm on 29 April 2019. A failure to comply with this order renders the appellants liable to be held in contempt.
- [6] The respondent is to serve a copy of this order on the appellants as soon as possible.

Maria Teretia Kaiboia
Magistrate

Lambourne J
Judge



Rine Uera
Magistrate