

IN THE SUPREME COURT OF NAURU  
CIVIL JURISDICTION  
LAND APPEAL NO: 4 OF 1979



IDARABWE IKA & OTHERS

Appellants

VS

BOIYARARAIN AEAMWAGE & OTHERS

Respondents

J U D G M E N T

It is clearly correct that the land inherited from a paternal grandfather should, in turn, be inherited by the relatives of that grandfather rather than by half-blood relatives of the deceased who are not descendants of that paternal grandfather.

So far as the estate of Kiki Bededoun is concerned, only one of the previously determined portions of land was inherited by him, through his mother, from his paternal grandfather, Deigobeiya. That is the land Anamwit. Mr. Kun has suggested that there may be other lands, in addition to those which the Nauru Lands Committee found to constitute the estate, which was inherited by Kiki from Deigobeiya. But the land Anuquoge was not inherited from Deigobeiya.

The appeal must succeed in respect of the land Anamwit but not in respect of the land Anuquoge. The appellants are entitled to share Kiki's one half share of the land Anamwit. They are also entitled to share any other land which Kiki inherited from Deigobeiya; they do not claim that any of the previously determined portions of land included in the estate as published by the Nauru Lands Committee was inherited from Deigobeiya.

Accordingly I order that the one half share in the land Anamwit which belonged to Deigobeiya is to be shared by the grandchildren of Edongoda, each of the three branches of her family sharing equally per stirpes. They are similarly to share any other, as yet undetermined land, which may be found to have formed part of Kiki's estate and to have been inherited by him from Deigobeiya.

Otherwise the decision of the Nauru Lands Committee as to the distribution of Kiki's estate is confirmed.

COURT:

For the record, who are the appellants, i.e. whose children are they?

KUN:

(1) Eamangir's children are:

Idarabwe Ika  
Edouwa Buriman  
Billy Ika  
Adirin Ika  
Beiyoun Ika  
Dogodag Ika  
Abatir Ika

(2) Demaunga's children should not share because of a previous decision of this Court. I refer to Lands Appeal No: 2 of 1979 which related to portion No: 190.

COURT:

That appeal related to Eamangir's half-share of the land, which the appellants already own. This present appeal relates to Salome's half-share, which was inherited by Kiki. All the relatives of equal status as such are entitled to share, i.e. the children of Demaunga and the children of Adar, or Adar himself, if he is still alive, and the children of Eamangir.

I think it best that the Nauru Lands Committee decide who are the heirs of Demaunga and Adar, if Adar is no longer alive.

O R D E R

The seven children of Eamangir, named above, are each to have a 1/42 share of the land Anamwit. The heirs of Demaunga are to share a 1/6 share of that land. Adar is to have a 1/6 share of that land or, if he is dead, his heirs are to share that 1/6 share.

The estate of Demaunga presumably has been determined. The Nauru Lands Committee is to provide this Court with a copy of that determination, which will be applied to the interest in the land Anamwit, unless this Court orders to the contrary.

If Adar is no longer alive, the Nauru Lands Committee is to notify this Court who are the persons entitled to share in property inherited by him from his father Deigobeiya.

26th February, 1980

CHIEF JUSTICE