

CUSTOMARY LAND APPEAL COURT MD/LAC/21

The court consisted of:-

T. Toioli President
A. Nonohimao Vice President
E. Fisu Member
K. Kinifu "
F. Daly (Magistrate) "

Sat at Malu'u at 0900 hrs on 23rd November 1978.

JUDGMENT.

This is an appeal from a judgment of Matakwalao Local Court given on 1st July, 1974 in a case between Alaikona and Suianoa in which the court said the land of Takwali was owned by Suianoa.

Against this judgment Alaikona was appealed. The court has considered the appeal points, the other points made by the appellant and respondent and the evidence. With the agreement of the parties the court did not survey the land. The court has looked at the proceedings of the local court.

Takwali Land has the following spear lines:-

Kukuru river on one side, Munakwai river on the other side. On top of the spear line is Faudiko across to Iuanandarua coming through Malanali. On the bottom is saltwater.

This court thinks that local court has right in deciding that Suianoa is the owner of Takwali land. Nothing said in this court makes us think the local court was wrong.

Decree.

It is decreed that Suianoa is the owner of Takwali land. The appeal therefore fails. No order as to costs. There is a right of appeal to the High Court on a point of law within three months.

24th November 1978.

Timous Toioli
Aloc Nonohimao
Enoch Fisu
Kadmiel Kinifu
Francis Daly.