

**IN THE CUSTOMARY LAND APPEAL COURT
FOR ISABEL PROVINCE**

On Appeal from the Timber Rights hearing Land Appeal

LAND APPEAL CASE NO. 14 OF 2010

ABOUT: GAGHE LAND

BETWEEN: Pacific Venture (SI) Ltd. & Others

(Appellant)

AND: Isabel Provincial Executive

(Respondent)

JUDGMENT

This is an appeal against a Timber Rights determination of the Isabel Provincial Executive Determination, issued on the 16th April 2010.

It is not disputed that the Public Notice of the Determination was issued on the 16th April 2010.

It is also not disputed that the appellant filed its appeal against the determination of the Isabel Provincial Executive on 21st May 2010.

A preliminary issue was raised regarding the issue of whether or not this Court should hear the appeal because on the face of it the appeal appear to have been lodged with the Isabel Customary Land Appeal Court out of time.

This Court then decide to first deal with the issue as it is central to the issue of whether or not this Court will have jurisdiction to hear this appeal.

On the document presented before this Court finds that the Public Notice was issued on 16th April 2010. It is not disputed that the appellant filed its appeal with the Isabel Customary Land Appeal Court on 21st May 2010.

Section 10(1) of the Forestry Resources and Timber Utilisation Act Cap. 40 as amended;

“Any person who aggrieved by the determination of the Provincial Executive, may within 1 month from the date of the public notice, lodge an appeal with the Customary Land Appeal Court having jurisdiction in the area in which the customary land is situated”.

This Court takes judicial notice of the fact that the 17th May 2010 falls on a Monday. The appeal by the appellant was lodged with the Isabel Customary Land Appeal Court on 21st May 2010 is therefore 4 days out of time.

This Court has no power to extend the time within which to lodge an appeal.

Because the appeal was lodged out of time, it must follow that this Court would have no jurisdiction to entertain the appeal. The appeal is therefore dismissed because of lack of jurisdiction by virtue of it being filed out of time.

Dated this 2nd day of April 2011

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| (1) | Mr. Alfred Kolighegua | (Signed) | President |
| (2) | Mr. Michael Voda Bako | (Signed) | Justice |
| (3) | Mr. Erick Gnokro | (Signed) | Justice |
| (4) | Mr. Wilson Tuhula | (Signed) | Justice |
| (5) | Mr. Alex Nindi | (Signed) | Justice |
| (6) | Emma Garo (Ms) | (Signed) | Clerk/Secretary |



Note: Any appeal against the decision of the Isabel Customary Land Appeal Court must be filed within 1 (one) month from the 2nd of April 2010, being the date that this decision was announced in open Court.