

## JUDGMENT

BLC Land 1/91

Plaintiff - Tesua Muakitangata  
Defendant - Japlet Pongi

This land case is between Tesua Muakitangata (Plaintiff) and Japlet Pongi (Defendant). The dispute here is of Taghaianga road plus other land blocks namely Hakaneke, Ongomatangu and Pongi.

Refer to the Unaccepted Settlement form, this land case was first been to the chiefs hearing on August 1990 in which the decision was in the favour of the present defendant, Japlet Pongi. The Plaintiff was not satisfied so he brought up the case to the Local Court.

Bellona Local Court was then first objected by the Plaintiff on 15th April 1991. Temporary variation warrant was later granted by the High Court for the West Rennell Local Court to hear the case.

The West Rennell Local Court then heard the said case in two sessions, firstly on July 1991 with Billie Kerepiniano and again on November the same year with another officer namely Johnson Makona. After this the Defendant has again strongly objected the West Rennell Local Court.

The case was then left with an only suggestion from the Registrar of the High Court that a panel of justices of East and West Rennell to hear and complete the case.

The idea has come into effect on 4th November 1992 when panel of justices of East and West Rennell with myself sat for the case.

The Plaintiff (Tesua) in his statement said that his tribe Sa'apai originated from Maitaki, son of Angongua should be the owner of Taghaianga road and the disputed lands. However the Defendant argued that Taghaianga plus the disputed lands were given to Taukiu of Ubea tribe by his father Angongua.

He also commented that Maitaki was given a different land called Hagetu'utu'u. Taukiu was given <sup>m</sup>ore lands because he was the eldest son, and so according to custom of Bellona he should be given first priority to own most of his father's lands and properties.

The Plaintiff and his witness in their statements said that their father Semaia cultivated the disputed lands before but no Ubea people dispute him.

This Court then understand that with regard to this point, the Defendant and his witness admitted that Semaia only asked Temahogia, father of Defendant before he cultivated the disputed lands. Just because of this that the Plaintiff and his witness thought the lands are their father's in which later on they also went into the lands and did gardening. For this reason now that the defendant disputed them because he knew that the lands are of Ubea tribe which he should be the owner.

We are also satisfied that Taghaianga road was already there when the brothers received land shares from their father in which later on Taukiu and Maitaki formed separate tribes.

We also understand that Semaia used to stay with Temahogia and his son Japlet Pongi for some time and helped to do gardening in the disputed lands with permission from Temahogia.

This Court also, is satisfied that Sepaingea elder brother of Semaia took control of all lands of Saapai tribe, which later transfered to his son Tongaka Maitaki and then to M.D. Takika. Semaia handed only one land to his two sons, Tanguika and Tesua which is called Matabaingei.

The point here now is that the Court to identify which of the two tribes are the rightful owner of the disputed land. The evidences taken from the Plaintiff and his witness and the Defendant and his witness is just enough for this Court to come up with a clear decision.

### DECISION

Being satisfied with the abovementioned points, this Court then have no doubt but to confirm that Japlet Pongi of Ubea tribe originated from Taukiu is the rightful owner of Taghaianga road, Hakaneke, Ongomatongu and Poungi lands.

Right of appeal within three months.

Panel Justices of East and West Rennell:

<b>Ani Piloe</b>	<b>(President)</b>
<b>Momoka Tekehu</b>	<b>(Member)</b>
<b>Joseph Sau</b>	<b>(Member)</b>
<b>Ragoso Tuhaika</b>	<b>(Member)</b>
<b>Billie Kerepiniano</b>	<b>Secretary/Clerk</b>

12 November 1992