

LAND CASE NO: 7/97

DATE: 20-10-97

Name of Land in Dispute:..... FANOABU

Name of Plaintiff: 1) ANDREW AKOMANA
2) DAVID RAMOTALAU OF BIO VILLAGE, W/KWARA'AE

V.

Name of Defendant: ALFRED ARURU

DECREE

JUDGMENT/COURT FINDINGS

1. GENERATIONS

- 1.1) Both parties are related in female line to Kongi of FANOABU Land.
- 1.2) There is no evidence to proof the P2 relate to Fr. J Ramotalau

2. SACRIFICIAL/TAMBU SITE

- 1.1 FANOABU and LUMADIA are two separate and different tambu sites. P1 & 2 claim Fanoabu tambu site whereas Defendant Aruru claim LUMADIA tambu site.
- 1.2 Court on survey is satisfied with Fanoabu tambu site because Court saw human bones believed to be bones of Kongi. Also Court saw wall stone in Fanoabu although Fanoabu had been partly damaged by logging activities. Wall stones of Fanoabu also partly damaged.

3. BOUNDARY/SPEARLINE

- 3.1) P1 & 2's boundary or spearline is to be referred to when considering FANOABU land. That is to say: - From MALITAKWA ADAMAE going upward to bush side along the old foot path

until it reach AKWA tree marked "X". From AKWA tree marked "X" sraight to FILA^FOLE. From FILA^FOLE to NAMOGORIAKO stream. From NAMOGORIAKO stream going along this stream until it reach KWAINARAKO river. From KWAINARAKO river going along this river until it reach the sea coast. From sea side (i.e mouth of KWAINARAKO/Bio river) going along the sea coast until it reach MALITAKWA ARAMAE again.

4. Since there is no evidence to fully proof that P2 DAVID RAMOTALAU is born related to Fr. D. RAMOTALAU, the Court is of the opinion that P2 David Ramotalau is a different party from Fr. D. Ramotalau, who has lodge a fresh case claiming ownership of FANOABU LAND; a parcel of land within TABAKWAKWA.
5. According to the survey/Report, the Court is satisfied that FANOABU tambu site is fully proven beyond reasonable doubt. However, for LUMADIA tambu site, this is not so.
6. Therefore Court now come up with this decision.

DECISION

1. P1 & 2 ANDREW AKOMANA and DAVID RAMOTALAU have primary right of ownership over FANOABU parcel of land.
2. Defendant ALFRED ARURU has secondary right of ownership over FANOABU parcel of land.
3. Any future development, parties to get permission from the primary owners.

Any party wish to appeal against this decision may do so within 90 days (3 months) effective 27/10/97 and to be lapsed on 27/1/98.

COURT OFFICIALS: J. S Meke VP
R. TALO CM
E. WASI CM
Henry Kala Court Clerk (M)

