

IN THE MALAITA LOCAL COURT

LAND CASE NO: 5/98MLC

DATE: 11TH MAY 1998

Name of Land:.....FERASAE PARCEL.....

Name of Plaintiff:.....1. ANDREW AKOMANA
2. MAX B. NGALI (SPOKESMAN).....

V.

Name of Defendant:.....GABRIEL LUSUMANI.....

DECREE

JUDGMENT/COURT FINDING

- (a) The Court finds that Andrew Akomane claimed the disputed parcel of land. Ferasae is in KULA-TOLI customary land. This land, Ferasae was given to KOORO's (m) wife KAOABU(f).
- (b) DEFENDANT - Court found that defendant - GABRIEL LUSUMANI claimed that the disputed Ferasae parcel of land was given to his line of Kwaila-mudu Tolo through OFILALAMUS (f) of Anotafa customary land.
- (c) Court found that Chiefs of Ward 4 Dala heard the disputed which they breached the Local Court Amendement Act 1985. Which means that the registered chiefs within "LOCALITY" have the right to hear any dispute erupted between any two parties within their areas. Chiefs of different wards (e.g Ward 4) should not sit to hear dispute in Ward 3. This is unprocedural in Local Court Amendment Act 1985 and also the said chiefs overlooked that the parcel of land is already binded by previous Court decrees. Therefore they have no right to reopen the case.
- (d) During land surveying of the disputed area (Ferasae) the plaintiff showed a a Bibi and 3 stones representing fires. The plaintiff also show a broken jaw claimed to be KOORO's lower jaw. This Court and defendant did not believe. This half jaw bone was pulled out under a Madafu tree. This jaw was not taken out from any collection of bones (Tafuræ) but looked like a hman being just placed it under

the Madafu tree.

- (e) The Court found Ferasae parcel of land is situated in Tabaakwakwa land. Refer to case No. MD/CLAC/1/87 and in High Court LAC NO.4 of 1988.

DECREE

This Court cannot change previous decrees of Tabakwakwa land in which Ferasae parcel of land is situated. Refer to Case No. MD/CLAC/1/87 and in High Court LAC No. 4 of 1988. The Local Court H/B 79 page 11 para 19. "Local Court cannot chsnge the decision given in another Local Court, Magistrates Court, or Customary Land Appeal Court or High Court. Neither can it change a decision given by itself already!"

And thus, this Court is binded under legal decisions of Tabaakwakwa land decrees mentioned above. Therefore, this present plaintiffs' claim are dismissed.

Righ of Appeal Explained 21/5/98 - 21/8/98.

Signature of Court Officials: JOHN S. MEKE *[Signature]* VP
 R. TALO *[Signature]* CM
 A. DAFANOA CM
 L. KEBAI *[Signature]* C/CLERK

Dated this 22nd May 1998.

