

IN THE MALAITA LOCAL COURT

LAND CASE NO: 22/97MLC

DATE: 18TH OCTOBER 1999.

Name of Land in Dispute: MALANA'AFE

Name of Plaintiff: KEDIMIEL KUKUIDEI of Walo village, Toabaita, North Malaita.

Name of Defendant: RARANGIA OIOMEA of Faukwae village, North Malaita.

DECREE

JUDGMENT/COURT FINDINGS

Court finds that both plaintiff and defendant stem, from one generation of BULIBAITA of Nofe tribe.

Plaintiff K. Kukuidai descended of Bulibaita through female Saufaka married Fiuoloi of Bakwaabu tribe. Defendant Rarangia Oiomea descended of Bulibaita through Namae who went to straighten the modes of prayer of Afoa which was wrong. Later Namae came back to his mother land Nofe and went to settle in Mutane, of of the 5 ridge hills looks after by Nofe.

Plaintiff also claim Malana'afe land is his tribal land separated from Mutane tribal land. Court also finds that both plaintiff defendant was once descended of Mulane tribe and occupied the areas of Nofe then in 1937 land case covered the Kodeki tribal land known as Fanimusi and lower part of Mutane across to reach Malanafe river. This case was won by Langiomea of Fanimusi tribe in 1937. Sketch map attached.

Court also finds that both claimed the 5 tambu sites but plaintiff shown wrongly the grave yards and the fire sites in Liliu, Ngalifau, Agariri and Fufue tambu sites within the disputed Malana'afe land. Court finds that plaintiff's map covers the areas from Malana'afe river to Gwalalamoa. Because he blood related to those of Kodeki Fanimusi land that he use their area to talk about in this Court. Therefore this plaintiff seems covers the land already disputed in 1937 land case Mamama Vrs Langiomea.

Defendant – denied that there is no such portion of land Malana'afe as plaintiff claim but it is a lower land area of Mutane tribal land. Court found that both plaintiff and defendant have existing valuable trees and cash crops on the disputed land.

During survey of the disputed area the Fanimusi people objected Court party not to enter into their tribal land FANIMUSI or KODEKI hill. PW1 – Mr. Maeagalo – stated during survey that their grandfathers already divided the land among them but only these two

men have disputed about this land today. He also said he has a portion of land and a group of ngali trees within the disputed land. PW2 – Kemuel Kitofu told Court he is from Mutane and Kedimiel Kukuidai from Malanafe part of Fanimusi land which we already lost the cases in 1937.

DW1 – Joel Naguta was talking about how he blood related to Rarangia on female line and confirmed Rarangia is from Nofe tribe.

DW2 – Warren Raomalefo also confirmed that he blood related to Rarangia on female line of his tribe of Nofe/Mutane.

DECISION:

- 1) Court dismissed plaintiff's claim of Malana'afe land.
- 2) No such land Malana'afe. It is the name of a river not land as plaintiff claim.
- 3) Both plaintiff and defendant may live together on the disputed land under the direction of Fanimusi land case No. 2/3/4 on 2/9/37.

Right of Appeal Explained. 90 days or 3 months 28/10/99 - 28/1/2000.

Court Officials:

J.S. MEKE	VP
J. GENIAKWAIS	CM
JOHN GENIINIA	CM
LUCIAN KEBAI	C/CLERK (M)

