

JUDGEMENT

This IS a case concerning a dispute over a portion of land known as Seko in Gatokae Island, between Seijama Family represented by Nanette Tutua and Shane Tutua (Plaintiff) and Simeon Nano represented by Eric Ghemu.

As ordered by the High Court, the Marovo local Court convened the hearing of this case on 17/10/2001.

The main issue in this case is the ownership over Seko portion of land therefore; this court will confirm itself in this issue in its judgment.

After hearing evidences from both parties and their witnesses the Marovo Local Court make the following judgment.

1. The Plaintiff in their evidence in court stated that, this portion of land known as Seko was allocated to Pr. Seijama by Chief Sarere in 1950 and re-allocated to Boaz Seijama in 1956.
2. PW 3. Confirms to the Court that Sarere gave Seko portion of land to Boaz Seijama.
3. Plaintiff witness in the chiefs hearing Mr. Timothy Jack testified that, Sarere gave this portion of land to Boaz Seijama in exchange for the help Boaz did to Sarere when he took him for Medical Treatment at Munda Hospital.
4. Court found that point 2 and 3 were contradicted to point number one (No. 1)
5. Defendant didn't deny the fact that Pr. Seijama and Boaz Seijama once given right to use Seko portion of land. Defendant said that this right was given to them by Chief Simeon Nano of Kongu Ngaloso Tribe. However because of Boaz Seijama disrespecting chief Nano by taking him to court, this land was taken back from him by Chief Nano.
6. Plaintiffs in their evidence said that chief Sarere is a chief of Lupa tribe but not Kongu Ngaloso tribe. During chiefs hearing, Plaintiffs witness Isaac Watts testified that chief Sarere appoint Simeon Nano to be a care-taker, to look after his people. The question questioned here is, "Why should chief Sarere appoints a person from a different tribe to be a care-taker?" "Why not appoints people in his own tribe?" Defendant claimed that Sarere is a chief of Kongungaloso tribe.
7. Court found that Lupa tribe and Kongungaloso tribe were two different tribes.
8. Court believed that chiefs have the power to take back land from people who disrespected him or his tribe. Chief Sarere did this during his time as confirmed by Plaintiff's witness in the chiefs hearing, Mr. Timothy Jack.

9. Defendant in their evidence present to court the document of Trust Deed signed by both parties which confirmed that Simeon Nano has the right over the portion of land now is dispute. The court accepted this part pf the evidence.
10. The defendant said that Simeon Nano did allocated land to people both in Kongu Ngaloso tribe and Lupa tribe. Plaintiff didn't dispute this. This shows that Simeon Nano must have right over the lands he claimed.

Having considered the above points, the Marovo Local Court satisfied on the balance of probabilities that the defendant's version have more weight than the Plaintiffs.

DECREE

That the portion of land from Seko river to Bolendrae river known as **SEKO LAND** in Gatokae Island was owned and under the authority of Chief **SIMEON NANO** of Kongungaloso tribe.

Dated this **21st** day of **October**, 2001.

Signed:	Eliha Lipu	President
	John Lilivae	Member
	David Witney	Member
	Davis Poloso Vurusu	Clerk

Rights of Appeal:

Any party who does not agree with this determination, have the right to appeal to the Customary Land appeal Court Western within three (3) months from the date of the judgment.

Your appeal points must go together with the appeal fee of \$100.00.