

IN THE MALAITA LOCAL COURT

Civil jurisdiction

LAND CASE NO. 16 OF 2000

BETWEEN: SIMON SAREA

COMPLAINANT

AND: REGINALD RILIWANE

DEFENDANT

IN THE MATTER OF: ANIA & LIFOE PARCELS OF LAND

HEARING: 3rd December, 2012

RULING: 3rd December, 2012

RULING

1.0 INTRODUCTION

This is an inquiry into an Accepted Settlement between Simon Sarea (complainant) and Reginald Riliwane (defendant) over ownership of Ania & Lifoie parcels of land in West Kwara'ae. The Accepted Settlement was filed at the Local Court as Land (civil) Case No. 16 of 2000. The purpose of the inquiry is to ascertain whether or not the Accepted Settlement did actually eventuate and that the requirements of s. 14 of the Local Court Act have been satisfied.

2.0 FINDINGS OF THE COURT

By a study of records in the case file and through cross-examining the parties, the court is able to establish the following facts:

- 2.1** That the chiefs hearing eventuated at Tarii Center, Kwaiabu on 26th May, 1992
- 2.2** That both parties confirm attending the chiefs' hearing.
- 2.3** That the defendant, Reginald Riliwane denies signing any Accepted Settlement form before the chiefs and disputes his signature on the form. The Court confirms by comparing his signature on the letter dated 23rd May 2000 (see **2.6** below) and that on a piece of paper handed to him during the inquiry with that on the form that the former two did not match with the latter.

- 2.4 That the Accepted Settlement form is not properly filled and endorsed (signed) by the chiefs (there is no signature of the chiefs on the form).
- 2.5 That the Accepted Settlement form was lodged at the Local Court sometimes in 2000 (this Court cannot ascertain the day and month as there is no record of the actual date the form was lodged at the Local Court in the case file or the Local Court register).
- 2.6 That by a letter dated 23rd of May, 2000, the defendant alleged that the Accepted Settlement form contained false information and that his signature has been forged by the complainant and one Chief Robert Ramosalu. That Chief Robert Ramosalu was the only chief to appear in the form as witness for the parties' signatures.
- 2.7 That the following chiefs attended the settlement, (1) Paul Kalate'e, (2) John Kodere, (3) Eric Anisimani, (4) Ramosalu, (5) Ramolefia and (6) M. Liafuana, all members of the Kwaiaibu House of Chiefs.

3.0 SUMMARY ON FINDINGS

This Court believes that both parties had referred their dispute to the chiefs but doubted the signature of the defendant on the Accepted Settlement form. Furthermore, this Court cannot ascertain whether or not that the letter of complaint by the defendant dated 23rd May, 2000 has reached the Local Court within the 3-months appeal period. In addition, this Court has not independently verified the arguments by both parties on the signature of the defendant on the form. Notwithstanding that, this Court finds that the requirements of s. 14(1), (2) and (3) of the Local Court Act cap. 19 as amended have not been satisfied. Therefore, this Court rules as follows:

RULING

1. The parties are referred to the same chiefs to properly fill a new settlement form with the same particulars and chiefs' findings and the form to be properly endorsed (signed) by the chiefs.
2. The parties are to bring the properly filled and endorsed form to the Local Court with a filing fee of \$50.00.
3. Parties to bear own costs.

Dated this 3rd day of December, 2012