

**IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(LAND DIVISION)**

[Land 533/2002]

Application No. 3/2009

IN THE MATTER of Section 390A of the Cook Islands
Act 1915

AND

IN THE MATTER of the land known as **TUROA** Section
27A Takitumu

AND

IN THE MATTER of an Application by **ARTHUR BEREN**
for a rehearing
Applicant

AND

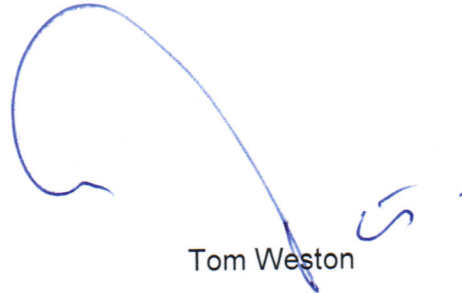
IN THE MATTER of **TEAVA IRO (For the Family)**
Respondent

JUDGMENT OF THE CHIEF JUSTICE

- [1] I have issued several Minutes on this file. The most recent was that dated 21 June 2011 referring the matter to the Land Division for a Report. I have now received a report from Savage J dated 21 August 2012.
- [2] The original application was filed on 30 September 2009. The application concerns an order made by Hingston J dated 12 March 2004. That was a partition order. The challenge is not so much to the partition order itself but to the relative interests granted by the Court. It is not, thus, precluded by section 390A(10).
- [3] Savage J reports that it is common ground between the parties that there should be a rehearing of the earlier partition order. Accordingly, I set aside the decision of Hingston J dated 12 March 2004 and direct that there be a rehearing. There will need to be further evidence.
- [4] It seems to me there should now be a formal order of the Court sealed. That should include any necessary steps in order to progress the rehearing. I

direct that Mr Moore, in conjunction with the respondents, settle a draft Order and submit it to me for my approval (via the Registrar).

Dated 1 October 2012 (NZT)

A handwritten signature in blue ink, consisting of a large, sweeping loop that descends and then curves back up to the right, ending in a small flourish.

Tom Weston
Chief Justice