

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

APPLICATION NO. 343/18

IN THE MATTER of the Land known as Vaitamanga-ki-Uta
Section 108, Arorangi, Rarotonga

AND

IN THE MATTER of Application 425/2000 for an Order
determining the title to Vaitamanga-ki-Uta
Section 108, Arorangi

AND

IN THE MATTER of Application 238/2018 seeking to correct
an Order sealed on March 2018 by the Deputy
Registrar in Application 425/2000

AND

IN THE MATTER of Sections 421, 422 and 390A of the Cook
Islands Act 1915

AND

IN THE MATTER of Sections 43 and 44 of the Judicature Act
1980-81

AND

IN THE MATTER of Rule 158 of the Code of Civil Procedure of
the High Court 1981

AND

IN THE MATTER of the said Applications by **JOSEPH
TAORO, DANIEL NGAMETUA ENUA
MATAROA, OAKIRANGI ERAIO** and
others

Applicants

TAUEI KONITANITAI and others

First Respondents

**JON JONASSEN and MEREANA
WOLFGRAM (nee SOLOMON) and
others in the Tauei Konitanitai Clan**

Second Respondents

Hearing commenced: 1 October 2018

Appearances: Mr D Mataroa for the Applicants
Mr T Moore for the First Respondents
Mr P Lynch for the Second Respondents

Decision: 9 October 2018

DECISION OF SAVAGE J

[1] I have reconsidered this file in the light of Mr Mataroa's submissions. He is to be commended for taking me straight to the point and for focusing on those matters relevant to his case shorn of anything that was irrelevant.

[2] The matter has a degree of urgency in that there are a number of matters that the owners wish to expedite. It is, therefore, very important to know who the owners in fact are.

[3] This land has occupied some time before this Court in this session during which I ordered that a sealed Order be corrected to reflect the true intention of this Court in 2001, when the Order for investigation that is in issue in this application was made.


[4] Mr Mataroa's challenge to that Order seeks a substitute Order reflecting what might have been the situation two generations earlier than that considered by Smith J in 2001. He seeks an exponentially enlarged list of owners with correspondingly smaller relative interests.

[5] I have reached a decision but do not have the time or resources to produce a fully settled statement of the reasons for that decision before I leave Rarotonga.

[6] That being the case I believe it is in the best interests of the parties that they know my decision and await a full judgment to be available in the near future.

[7] The application is dismissed. A judgment with reasons will follow.

*Wednesday the 10th Day of October.
at Avarua*


PJ Savage, J