

H.C.L.A. 11/88

Betio

15th March 1988

Between:

Unaro Kannangaki
Nei Maria Kannangaki)

Appellants

-v-

Nei Ruonamakin

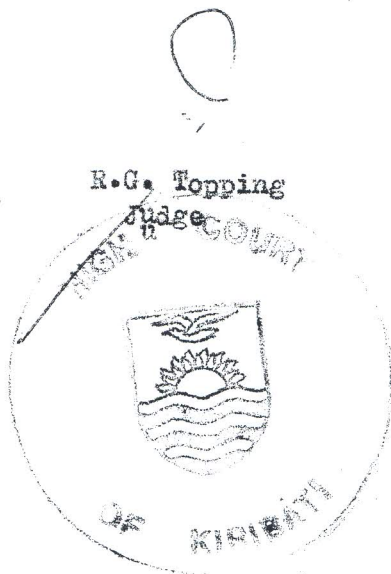
Respondent

The appellants appeal against the judgement of the Magistrates Court
Lands given in case BA 16/87 on 5th June 1987.

The Court fixed the boundary between Manoku 746(e) and (1).
The whole proceedings are completely inadequate. The plan cannot be
properly reconciled to anything. The appellants land is not shown and
the only land shown belongs to Ieremia Tabai who we are told bought it
from Nei Ruonamakin. It is clear that there has been at least one prior
boundary settlement. The parties claim that they told the Court about
this but no mention of it appears in the record, and no inquiry seems to
have been made by the Court.

3 boundary stones are erected which cannot be related to the evidence of
the parties and no reasons for the decision were given. The decision is
quashed and there will be a retrial without further fee. The Court should
inquire into past boundary settlements and abide by them.

Toka
Toka Tibau
Land Magistrate



Betero
Betero Kaitangare
Land Magistrate