

SOUTH TARAWA HIGH COURT SESSION
(HON. JUSTICE F MUHAMMAD C.J.)

HCLA7/90

BETWEEN: ATOTI RITIATI Appellant

AND: MAREWENTETAAKE TEAKIN Respondent

JUDGEMENT

The Respondent gave her land to the Appellant as a gift of kindness in Case 226/85 and at the same time reserved some land for her house. Clearly it was for her to define what she was giving as "gift". The gift of kindness is revokable under certain circumstances.

In Case BA523/89 the Magistrates Court Lands Bairiki confirmed its decision in 226/85 allowing the use of the land the Respondent had reserved. The Appellant appeals against that decision. We find the Magistrates decision absolutely correct and dismiss this appeal.

Appeal is dismissed.

Appellant to pay costs of \$20 to the Respondent.

F. Muhammad
THE HON JUSTICE F MUHAMMAD
CHIEF JUSTICE

31/7/91

Teakaie Tenanora
TEKAIE TENANORA
Magistrate



Betero Kaitangare
BETERO KAITANGARE
Magistrate

COURT:

We have decided that in this case the Respondent should not be put to this inconvenience because the nature of the transaction is where the gift is given to somebody, he's supposed to be paying in kindness back and by taking the woman around to this Court the appellant has not returned the kindness extended by the respondent to him. It seems that she has no benefit of proper legal advice. I advise her that she should seek such help if she really wants to know advice, I imagine that she does. The Court feels that the order of costs for the trouble she had been put through for defending this case that the appellant will pay \$20 towards that cost.