

IN THE HIGH COURT OF KIRIBATI  
(BEFORE B SUTTILL C.)

HCLA 77/91

**BETWEEN:** N. TEBURAIKAKEE ITITAAKE Appellant  
**AND:** N. TERENGABO NGATAU Respondent

J U D G M E N T

The respondent was not present today. Several attempts to locate her have failed.

The appellant seeks to overturn the distribution of the estate of Tebou Akaua which was made in BA 201/91.

She was not a party to those proceedings and that is, of course, part of her grievance.


However she cannot, by virtue of not being a party, appeal the proceedings. She must sue Terengabo Ngatau in the magistrates court to establish that she, the appellant, is an issue of Tebou Akaua and entitled to share in his estate.

The lands court in Bairiki must render her all assistance in order for her to do so. The magistrates must hear the fresh proceedings and not consider themselves barred from doing so because they made the original distribution.


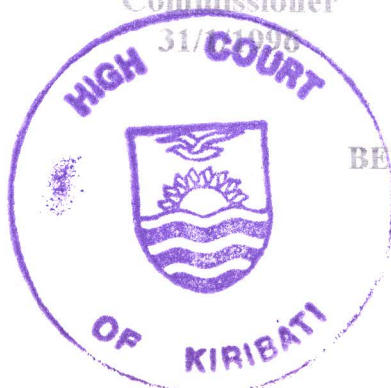
The appeal is accordingly dismissed.



B. SUTTILL  
Commissioner



TEKAI E TENANORA  
MAGISTRATE  
(31/1/96)



BETERO KAITANGARE  
MAGISTRATE  
(31/1/96)