

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

HCLA 72/1990

BETWEEN:	N. TOUA URIAM	Appellant
AND:	TERIMOA IOANE KAKOROA TEMOAI	1st Respondent 2nd Respondent

J U D G M E N T


The two respondents to this application are deceased.

The applicant is not present today as she is ill. However she is represented by Mr. Teiwaki who is recently briefed in the matter.

The applicant seeks leave to appeal out of time a decision of the Lands Commission in case 196 in 1948. She was not a party to those proceedings, indeed that is a potential ground of appeal. On that ground alone the application must fail. In any event there is nothing stated that would justify extending time to appeal by 43 years.

Mr. Teiwaki, after considering his instructions has informed the court that he would, had an opportunity occurred have advised the applicant to withdraw the application and pursue such other remedies as may be available. We consider this to be a very appropriate approach.

Leave to appeal out of time is refused.


Tekaie Tenanoa
Magistrate
(7/3/96)




Betero Kaitangare
Magistrate
(7/3/96)