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

HCLA 29/1990

BETWEEN:	**TIROUEA TABUTOA** **MARIA KAUONGO**	**Appellants**
AND:	**KABURE KAUONGO**	**Respondent**

JUDGMENT

Neither the applicants not the respondent are present today. Strenuous efforts to locate them for the session at Abaokoro and for today's hearing have failed.

The applicants, by a letter dated 7 November 1989, seek leave to appeal out of time a decision of the magistrates dated 3 December 1980 in C/N 70/80.

The applicants were not parties to C/N 70/89 and accordingly cannot appeal the decision in it. Their remedy would be to sue the respondent in fresh proceedings in the magistrates court. We would have explained this to them had they been located.

The appeal is incompetent and their presence would not, accordingly, enhance their chances of being given leave to appeal, which leave is refused.

B. SUTTILL
Commissioner
(11/6/1996)

Bitiare Ekera
Magistrate
(11/6/96)

Tooki Kaake
Magistrate
(11/6/96)

HIGH COURT OF KIRIBATI