

**IN THE HIGH COURT OF KIRIBATI
(BEFORE THE HON R LUSSICK C.J.)**

HCLA 80/91

BETWEEN: BIIRA BENAME Appellant
AND: KORU TOAKARAWA Respondent

**No appearance of Appellant
No appearance of Respondent**

J U D G M E N T

Neither party appeared when this matter was called on for hearing today.

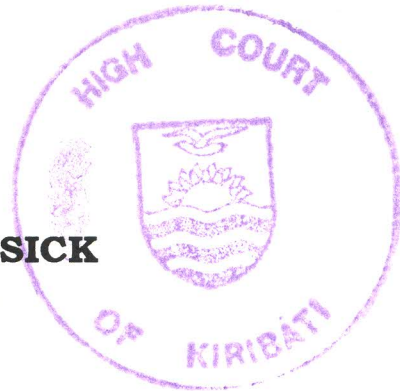
Actually there are two appeals before the Court. On 14 May 1991 Biira Bename appealed the decision of the Aranuka Magistrates' Court in case No. 10/91. On 6 June 1991 Koru Toakarawa appealed the decision of the Aranuka Magistrates' Court in case No. 18/91.

From documents on the file it appears that Biira Bename is now deceased. Koru Toakarawa is said to be now living on Kiritimati Island. A telegram was sent by the Chief Registrar to the Court Clerk on Kiritimati on 9 October 1996 asking him to inform Koru of today's hearing and requesting Koru to advise whether he or a representative would be attending. No reply has been received to that telegram.

This is a long-standing matter and in all the circumstances we are of the view that it ought to be dismissed for want of prosecution. We so order.



THE HON R B LUSSICK
Chief Justice
(06/12/96)



TEKAIE TENANORA
Magistrate
(06/12/96)



BETERO KAITANGARE
Magistrate
(06/12/96)