

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

HCLA 91/1991

**BETWEEN: N. TENITI BAURO
 N. MAURI BURERA Appellant**

**AND: KIAUA TEBURABURA
 FOR ISSUES OF
 TEBAU, ROROKO & KANONGA Respondents**

J U D G M E N T

This is an appeal from a decision of the Magistrates Court in BA 169/91. the case concerns the ownership of a pond at Maeou.

Initially the ownership of this pond was declared, by the Lands Commission in 1948, to be with the issues of Tebau Tebau and the issues of N. Kanonga and the issues of Roroko.

The respondents to this appeal are the descendants of the aforementioned Tebau Tebau.

There the matter rested until 1987 when the appellants went to court in 139/87 and asked the court to register them as owners of the pond after Tebau Tebaka who was deceased. This the court did. The matter was raised again in 1989, case 75/89, when the appellants again sought to be registered as owners of the pond and a seawall after Tebau Tebaka. The magistrates confirmed their decision in 139/87.

It is common cause between the appellants and respondents that Tebau Tebaka is not the same person as Tebau Tebau who was the person described in the 1948 Land Commission proceedings.

Because of this, in 1991, the issues of Tebau Tebau, Roroko and Kanonga went to the Magistrates Court in BA 169/91, and claimed that the appellants had been wrongly registered as owners of the pond in 139/87 and 75/89. They produced the minutes of the Lands Commission in 1948.

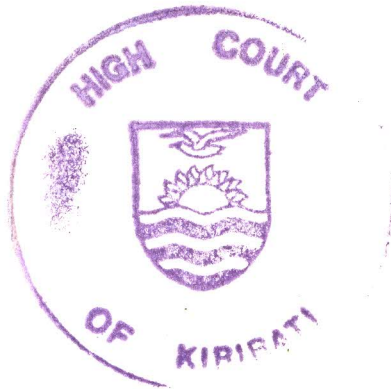
The magistrates realised that a mistake as to the identify of Tebau had been made and so they decided in favour of the respondents to reflect the 1948 decision and put right that mistake. It was perfectly proper for them to do this and the appeal is accordingly dismissed.



B. SUTTILL
Commissioner
(11/4/1996)



Tekaie Tenanora
Magistrate
(11/4/96)



Kirata Komwenga
Magistrate
(11/4/96)