

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

HCLA 84/1991

BETWEEN: IENRAOI KAROTU Appellant

**AND: N. KANTANINGA IERURU
KAROTU IERURU
BWEBWEATA KAROTU
TETOA KAROTU
TAONII UAMARI Respondents**

J U D G M E N T

The magistrates were asked to distribute the estate of deceased Ieruru Karotu.

Karotu was married to N. Kantaniga. In his lifetime it was claimed he had adopted Karotu Ieruru. There was no proof of a formal adoption but the magistrates carefully examined the surrounding circumstances and concluded that the adoption had taken place by virtue of Kiribati custom. Their reasoning cannot be faulted in that respect and we are satisfied that their conclusion was justified.

The magistrates awarded \$500 each to the deceased's brothers and sisters. Those siblings, save for the appellant, are satisfied with that amount.

Thereafter, after discharging the debts on the estate, the magistrates awarded the balance to the wife and son equally.

The appellant would like a larger share. Before we could award him one we would have to be satisfied that the magistrates were wrong in what they did. We are satisfied that that is not the case. The magistrates made careful inquiry into all aspects of the case and listened carefully to the appellant's arguments.

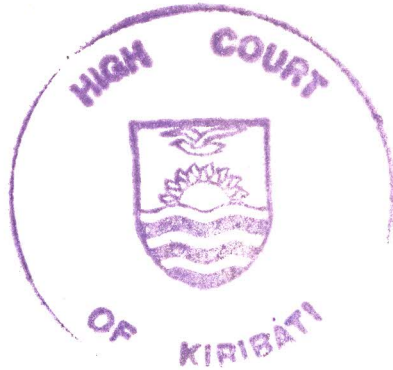
The distribution made by them at the end of the case was in our view fair and equitable and in accordance with the law. We have no basis for interfering with it and the appeal is dismissed.



B. SUTTILL
Commissioner
(28/3/1996)



Tekaie Tenanora
Magistrate
28/3/96



Betero Kaitangare
Magistrate
28/3/96