

IN THE HIGH COURT OF KIRIBATI 2019

MISCELLANEOUS APPLICATION NO 65 OF 2019
(ARISING FROM HIGH COURT CIVIL CASE NO. 30 OF 2019)

	[NEBOATETAAKE WITH SIBLINGS FOR [ISSUES OF MAIBINIMONE TIBWE	APPLICANTS
BETWEEN	[[AND	
	[[BETIO TOWN COUNCIL	1 ST RESPONDENT
	[[AND	
	[[TIERA TAAM	
	[TEEMARI TIATA	2 ND RESPONDENTS

Before: The Hon Chief Justice Sir John Muria

3 September 2019

Ms Taaira Timeon for Applicants
Mr Monoo Mweretaka for 1st Respondent
Ms Kiata Kabure for 2nd Respondents

JUDGMENT

Muria, CJ: Having heard Counsel for the parties and having read the affidavits in support and against the application, the Court feels that there is a triable issue as between the applicant and the first respondent with regard to the rights over the accreted land *Antebuka 835e* in question in Betio. That issue is now pending before the Court in this case.

An interlocutory injunction is therefore granted against the first respondent restraining the first respondent from further dealing or disposing of the land *Antebuka 835e* in Betio until the substantive case HCCC 30 of 2019 is heard and determined by the Court.

As regards the second respondents, their position is different. In the first place, the second respondents are currently not a party to the case HCCC 30 of 2019. They have been dragged into this dispute in the application for interlocutory injunction, naming them as second respondents. This should never have happened.

Secondly, the land on which the second respondents are residing is *Teriki* in Betio. The applicants are in dispute with the first respondent over the land *Antebuka 835e* in Betio. The applicant was wrong to include them as party in this case.

Thus the inclusion of the second respondents in this application is clearly wrong. As against the second respondents, the application is dismissed.

The second respondents have been dragged into this case for no good reason at all. They are entitled to their costs.

ORDER:

1. Interlocutory injunction is issued against the first respondent restraining it from further dealing with the land *Antebuka 835e*, Betio until the case HCCC 30/19 is heard and determined by the High Court.
2. The claim against the second respondents for injunction is dismissed with costs to be paid to the second respondents to be taxed, if not agreed.

Dated the 3rd day of September 2019



SIR JOHN MURIA
Chief Justice