

IN THE SUPREME COURT OF NAURU

Civil Jurisdiction

Land Appeal No. 8 of 1976

13th August, 1976 at 9.00 a.m.

In Court

Before Mr. Justice I.R. Thompson, Chief Justice

For the Applicant: Mr. D. Gioura

For the 1st Respondent: Mr. J.A. Doguape, Vice-Chairman,
Nauru Lands Committee

For the 2nd Respondents: Mr. K. Aroi.

GIOURA: The applicant was adopted by the deceased. He was not aware that the N.L.C. had decided the beneficiaries of the estate. He was not invited to attend the meeting of the family. So the provisions of Administration Order No. 3 were not complied with.

AROUI: My instructions are that second respondents have been "persuaded" by the N.L.C. to consent to transfer the land to the applicant.

COURT: Was the applicant invited to the family meeting?

DOGUAPE: No, but his mother was invited. He was second generation.

We published a general notice to persons having an interest in the estate inviting them to attend.

COURT: What was the outcome of the family meeting?

DOGUAPE: There was complete agreement. The applicant's mother agreed to the second respondents taking everything.

COURT: If as alleged the applicant was the adopted child of the deceased and as he is in his late teens, why was he not personally invited to attend.

DOGUAPE: Because we did not know of his adoption. We learned of it only on 23rd March, 1976.

COURT: It would appear that there was a serious irregularity which has prejudiced the applicant, if he was the adopted child of the deceased. Is it accepted that he was her adopted child?

AROUI: Yes.

DOGUAPE: Yes.

COURT: Is there any reason why the decision of the N.L.C. should not be set aside as void and the matter returned to the N.L.C. for a new family meeting to be held attended by the applicant?

AROI: That would be the equitable thing to do.

ORDER (by consent):

Decision of the Nauru Lands Committee as to the estate of Epetom is set aside; a new family meeting is to be held which the applicant is to be invited to attend.

13/8/76.

I. R. THOMPSON
Chief Justice